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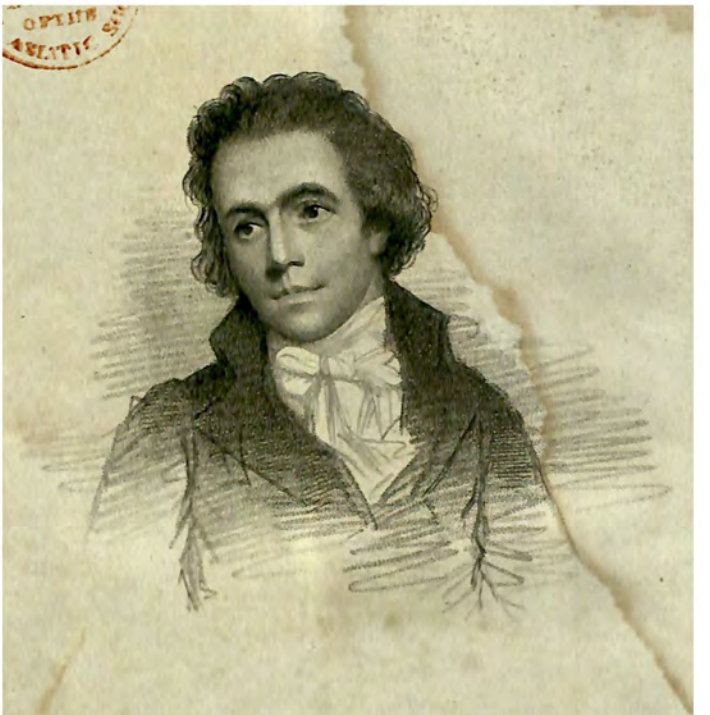
RECOLLECTIONS

OF

CURRAN

AND

SOME OF HIS COTEMPORARIES.



Jn° PHILPOT CURRAN,

ÆTAT 30.

Engraved by T. Wageman, from a Picture in the Priory near Dublin.

Published 1815, by T. Hookham, Jun. Old Bond Street.

RECOLLECTIONS

OF

CURRAN

AND [redacted]

SOME OF HIS COTEMPORARIES.

BY

CHARLES PHILLIPS, ESQ.

" He was my friend."—OTWAY.

LONDON:

PRINTED FOR T. HOOKHAM, JUN. OLD BOND STREET;

BALDWIN AND CO. PATERNOSTER ROW;

AND MILLIKEN, DUBLIN.

1818.

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little to deject me, can form no apology. It has, however, beguiled some solitary hours, and with the humble ambition that it may do as much for others, I present it without further preface to the reader.

THE RT. HON.BLE PHILPOT CURRAN,

ÆTAT 60.

Engraved by T. Wageman from a Picture by Lawrence

in the Possession of Mr. J. Carpenter.

Published 1818, by T. Hookham, Jun. Old Bond Street.

RECOLLECTIONS

OF

CURRAN,

&c.

THE title which I have prefixed to this volume, strictly speaks what I intend it to be. No laboured detail—no tedious narrative—no ambitious display of either fine writing or critical investigation, but the simple and, in some measure, the *self-drawn* picture of a man who was a great ornament to the country in which it was his misfortune to be born. Before I proceed one step in my progress, the reader has a right to know what claim there is on his credulity, or what are the qualifications for the execution of such an undertaking. Early in life, I had been so accustomed to hear the name of Curran mentioned with admiration long before I could understand the reason, that I began to make his character an absolute article in my

literary creed, and to hold it in a kind of traditional reverence. As the mind strengthened, an inquiry naturally arose into the causes of such enviable celebrity. The bon-vivant referred me to his wit—the scholar to his eloquence—the patriot to his ardent and undeviating principle. The questions on which he had voted were connected with the best days of Ireland, and his vote was always on the side of his country—the causes which he had advocated, were sometimes of the most personal, and sometimes of the most public interest; and in these his eloquence was without a parallel, while his innumerable pleasantries formed, as it were, the *table currency* of a people proverbially convivial. With such a complication of proofs, my judgment readily confirmed what my schoolboy faith had received—his speeches became my manual—his name almost my adoration; and in a little poem* composed whilst at the Temple I gave him the rank which I thought he merited amongst the ornaments of his country. The subject of the poem gave it a circulation, and either fame

* The Emerald Isle.

or friendship soon brought it to the notice of Mr. Curran. When I was called to the bar, he was on the bench; and not only bagless but briefless, I was one day with many an associate taking the idle round of the hall of the Four Courts, when a common friend told me he was commissioned by the Master of the Rolls to invite me to dinner that day at the Priory, a little country villa about four miles from Dublin. Those who recollect their first introduction to a really great man, may easily comprehend my delight and my consternation. Hour after hour was counted as it passed, and like a timid bride I feared the one which was to make me happy. It came at last, the important *five o'clock*, the *ne plus ultra* of the guest who would not go dinnerless at Curran's. Never shall I forget my sensations when I caught the first glimpse of the little man through the vista of his avenue. There he was, as a thousand times afterwards I saw him, in a dress which you would imagine he had borrowed from his tip-staff—his hands in his sides—his face almost parallel with the horizon—his under lip protruded, and the impatient step and the eternal attitude only varied by the pause during which

his eye glanced from his guest to his watch, and from his watch reproachfully to his dining-room—it was an invincible peculiarity —one second after five o'clock, and he would not wait for the Viceroy. The moment he perceived me, he took me by the hand, said he would not have any one introduce me, and with a manner which I often thought was *charmed*, at once banished every apprehension, and completely familiarized me at the Priory. I had often seen Curran—often heard of him—often read him—but no man ever knew any thing about him who did not see him at his own table with the few whom he selected. He was a little convivial deity! he soared in every region, and was at home in all—he touched every thing, and seemed as if he had created it—he mastered the human heart with the same ease that he did his violin. You wept, and you laughed, and you wondered, and the wonderful creature who made you do all at will, never let it appear that he was more than your equal, and was quite willing, if you chose, to become your auditor. It is said of Swift that his rule was to allow a minute's pause after he had concluded, and then, if no person took up the

conversation, to recommence himself. Curran had no conversational rule whatever; he spoke from impulse, and he had the art so to draw you into a participation, that, though you felt an inferiority, it was quite a contented one. Indeed nothing could exceed the urbanity of his demeanour. At the time I speak of, he was turned of sixty, yet he was as playful as a child. The extremes of youth and age were met in him; he had the experience of the one and the simplicity of the other. At five o'clock we sat down to dinner, at three in the morning we arose from table, and certainly half the wish of the enthusiastic lover was at least conceded—"*Time*"—during that interval, *was* "*annihilated.*" From that day till the day of his death I was his intimate and his associate. He had no party to which I was not invited; and party or no party, I was always welcome. He even went so far as to ask me to become his inmate, and offered me apartments in his town residence. Often and often he ran over his life to me to the minutest anecdote—described his prospects—his disappointments and his successes—characterized at once his friends and his enemies; and in the communi-

cative candour of a six years' intercourse repeated the most secret occurrences of his history. Such is the claim, which I have, to be his biographer. I have said I do not mean to be a laborious, but I hope to be a faithful one, withholding what was confidential, sketching whatever appeared to be characteristic, writing solely from his own authority, and, as far as that goes, determined to be authentic.

He was born in the little village of Newmarket, in the county of Cork, a place quite as obscure as his own parentage. His father, James Curran, Seneschal of the Manor, was possessed, besides the paltry revenue of the office, of a very moderate income. Strange as it may seem, their paternal ancestor came over to Ireland one of Cromwell's soldiers, and the most ardent patriot she ever saw owed his origin to her most merciless and cruel plunderer! Old James Curran's education was pretty much in the ratio of his income. Very different, however, in point of intellectual endowments, was the mother of my friend, whose maiden name, Philpot, he bore himself and preserved in his family. From his ac-

count she must have been a very extraordinary woman. Humble in her station, she was of course uneducated; but nature amply compensated her for any fortuitous deficiencies in that respect. Witty and eloquent, she was the delight of her own circle, and the great chronicle and arbitress of her neighbourhood. Her legends were the traditions of the "olden time," told with a burning tongue, and echoed by the heart of many a village Hampden. Her wit was the record of the rustic fireside; and the village lyric and the village jest received their alternate tinge from the truly national romance or humour of her character. Little *Jacky*, as he was then called, used to hang with ecstacy upon her accents;—he repeated her tales—he re-echoed her jest—he caught her enthusiasm; and often afterwards, when he was the delight of the senate and the ornament of the bar, did he boast with tears that any merit he had, he owed to the tuition of that affectionate and gifted mother. Indeed, there cannot be the least doubt that the character of the *man* is often moulded from the accidental impression of the childhood; and he must have been but an inaccurate observer who did not

trace all the maternal features in the filial piety that delighted to portray them. After her death he placed an humble monument over her remains, upon which he inscribed the following memorial, as well as I can recollect, from his very frequent recital:

"Here lieth all that was mortal of MARTHA CURRAN—a woman of many virtues—few foibles—great talents and no vice.—This tablet was inscribed to her memory by a son who loved her and whom she loved."

Indeed, his recurrences to her memory were continual. He often told me that, after his success at the bar, which happily she lived to see, and the fruits of which to her death she shared, Mrs. Curran has said to him, "O *Jacky, Jacky*, what a *preacher* was lost in you!" The observation proved rather her sagacity than her prudence. Had he directed his talents to the church, there can be no doubt his success would have been splendid: he would have been the poorest and the most popular preacher of the day—he was too independent to fawn, and had too much genius to rise—he would have been

adored by the congregation, hated by the bishops, starved on a curacy, and buried perhaps by the parish! Such is often enough the history of such men in the church. His mother, *too* patriotic not to have a large family, was of course *too* much occupied to attend to him exclusively. His father was divided between law and agriculture, and Master Jacky was left to his own devices. At the *fairs*, where wit and whiskey provoked alternately the laugh and the fracture—at the *wake*, where the living so mourned the dead, that there was soon little difference between them—he appeared now a mourner and now a mime, until the court of his father was quite scandalized, and the wit of his mother acknowledged to be hereditary. At this period a circumstance occurred which he delighted to relate, as he comically said it first proved his aptitude for oratory. The keeper of a street puppet-show arrived at Newmarket, to the no small edification of the neighbourhood; and the feats of Mr. Punch, and the eloquence of his man, soon superseded every other topic. At length, however, Mr. Punch's man fell ill, and the whole establishment was threatened with immediate ruin: little Cur-

ran, who had with his eyes and ears devoured the puppet-show, and never missed the corner of its exhibition, proposed himself to the manager as Mr. Punch's man. The offer was gladly accepted; and for a time the success of the substitute was quite miraculous. Crowds upon crowds attended every performance; Mr. Punch's man was the universal admiration. At length, before one of the most crowded audiences, he began to expatiate upon the *village politics*—he described the fairs—told the wake *secrets*—caricatured the audience; and, after disclosing every *amour*, and detailing every *scandal*, turned with infinite ridicule upon the very priest of the parish! This was the signal for a general outcry. Every man and maid who had laughed at their neighbour's picture, and pretended not to recognise their own, were outrageously scandalized at such familiarity with *the clergy*. Religion, as on larger theatres, was made the scape-goat; and by one and all, sentence of banishment was passed upon Mr. Punch. He was honourable, however, in his concealment of the substitute, whose prudence prevented any solicitation for such dangerous celebrity. Curran in

after-times used often to declare, that he never produced such an effect upon any audience as in the humble character of Mr. Punch's man.

At this period of his life it was that an incident occurred, which, moulding, as it did, his future fortunes, the reader shall have as nearly as possible as he related it: "I was then," said he, "a little ragged apprentice to every kind of idleness and mischief, all day studying whatever was eccentric in those older, and half the night practising it for the amusement of those who were younger than me. Heaven only knows where it would have ended. But, as my poor mother said, I was born to be a great man. One morning I was playing at marbles in the village ball alley, with a light heart and a lighter pocket. The gibe and the jest and the plunder went gaily round; those who won laughed, and those who lost cheated; when suddenly there appeared amongst us a stranger of a very venerable and very cheerful aspect: his intrusion was not the least restraint upon our merry little assemblage; on the contrary, he seemed pleased, and even delighted: he was

a benevolent creature, and the days of infancy (after all, the happiest we shall ever see) perhaps rose upon his memory. God bless him! I see his fine form at the distance of half a century just as he stood before me in the little ball alley in the days of my childhood! His name was Boyse; he was the rector of Newmarket: to me he took a particular fancy; I was winning, and was full of waggery, thinking every thing that was eccentric, and by no means a miser of my eccentricities; every one was welcome to share them, and I had plenty to spare after having freighted the company. Some sweetmeats easily bribed me home with him. I learned from poor Boyse my alphabet and my grammar and the rudiments of the classics: he taught me all he could, and then he sent me to the school at Middleton—in short, *he made a man of me.* I recollect, it was about five and thirty years afterwards, when I had risen to some eminence at the bar, and when I had a seat in Parliament, and a good house in Ely Place, on my return one day from court, I found an old gentleman seated alone in the drawing-room, his feet familiarly placed on each side of the Italian

marble chimney-piece, and his whole air bespeaking the consciousness of one quite at home. He turned round—it was *my friend of the ball alley!* I rushed instinctively into his arms. I could not help bursting into tears. Words cannot describe the scene which followed. 'You are right, Sir; you are right: the chimney-piece is yours—the pictures are yours—the house is yours: you gave me all I have—my friend—my father!' He dined with me; and in the evening I caught the tear glistening in his fine blue eye when he saw his poor little Jacky, the creature of his bounty, rising in the House of Commons to reply to a *right honourable*. Poor Boyse! he is now gone; and no suitor had a larger deposit of practical benevolence in the court above. This is his wine—let us drink his memory." Such is a very faint and very humble imitation of the manner in which Mr. Curran used to relate this most interesting era in his history; and I never heard him recur to it without weeping. In this place, however, it may be as well to remark, that neither his wit nor his eloquence can receive any thing like justice from even the most gifted narrator. It would be quite as easy to

paint the waving of a wand—the spell consisted in the very magic of the *movement;* and until the charm of manner can be conveyed in words, the reader must fancy in vain the almost supernatural effect of Curran.

At the school of Mr. Carey, in the town of Middleton, he received more than the common classical education of the country. He owed much to the talent and attention of this gentleman, and was always ready to acknowledge it. Indeed, there were few men in any country, or of any class, who had a more general, if not profound acquaintance with the best models of ancient literature. The Greek and Latin poets might be said to be his companions; and his quotations from them, both in conversation and at the bar, were apt and frequent. I remember him myself, in the cabin of one of the Holyhead packets, when we were all rolling in a storm, very deliberately opening his bag, taking out a little pocket Virgil, and sitting down *con amore* to the fourth book of the Eneid, over which he told me in the morning he had been crying all night. For my part, as I very unclassically remarked, Dido might have hanged

herself at the mast-head without exciting in me at the time an additional emotion. Those who have ever enjoyed the comforts of a ship's cabin in a storm, will know how to excuse my Vandalism. There is a witty instance current amongst his friends, of his instantaneous application of his classical knowledge. When he was in college, the Rev. Dr. Hailes, one of the fellows, during a public examination, continually pronounced the word *nimirum* with a wrong quantity: it was naturally enough the subject of conversation, and His Reverence was rather unceremoniously handled by some of the academic critics. Curran affected to become his advocate—"The Doctor is not to blame," said he,—"there was only one man in all Rome who understood the word, and Horace tells us so—

"Septimius, Claudi, *nimirum* intelligit *unus*."

At another time, when an insect of very *high birth*, but of very democratic habits, not without a natural celebrity in *Scottish* verse, was caught upon the coat, about the appearance of which he was never very solicitous, his

friend Egan, observing it, maliciously exclaimed from Virgil—"Eh! Curran:

"Cujum pecus? an Meliboei?"

at the same time turning with a triumphant jocoseness to the spectators. But Curran in the coolest manner taking up the line immediately retorted,

"Non verum *Ægonis*—nuper mihi tradidit *Ægon*."

It is unnecessary to say against whom the laugh was turned; but we must not anticipate. While, however, we are on the subject of his classical witticisms, his bon-mot upon a brother barrister of the name of *Going* certainly deserves a place. This gentleman fully verified the old adage, that a story never loses in the telling; he took care continually to add to every anecdote all the graces which could be derived from his own embellishment. An instance of this was one day remarked to Curran, who scarcely knew one of his own stories, it had so grown by the carriage. "I see," said he, "the proverb is quite applicable—'Vires acquirit eundo'—it gathers by *Going*."

The records of a schoolboy's life afford but little for detail or observation. He could not have been very idle; and he never was very industrious: however, there was no period of his life during which he could not do as much in one hour as most other men could do in three, so that the stores of his mind and the negligence of his habits are perfectly reconcilable. From the academy of Middleton he passed on to Trinity College, Dublin, which he entered as a Sizar, on the 16th of June 1767, under the tutelage of Doctor Dobbin. He obtained the second place at entrance. Curran's academical course was unmarked by any literary distinction; and, indeed, both for the College and its professors he through life entertained the most sovereign contempt. It is very little to be wondered at. Perhaps there is not to be found in the whole history of literature any institution so ancient and so endowed, so totally destitute of literary fame as the Alma Mater of Ireland*. With the two ex-

* There are, no doubt, at this moment many men of genius amongst the junior fellows of the College; but they so totally attach themselves to tuition, that literature is out of the question.

ceptions of Doctor Magee and Doctor Millar, there is scarcely a single fellow of modern times who has produced a work which is not beneath contempt; and the English reader should be informed that a fellowship in Dublin College is an office of no inconsiderable emolument. Seven of the fellows are permanent stipendiaries on the institution, whose united salaries, &c. are little less than 10,000*l.* a year. There is a whole host of junior fellows, whose incomes are very considerable, and a variety of livings from 1800*l.* a year downward, upon which they are billetted, as Death takes his revenge upon the extern incumbents for a too free enjoyment of the comforts of this world. Swift, more than a century ago, described the site of his "Legion Club" to be—

> "Scarce a bowshot from the College—
> *Half the globe from sense or knowledge*"—

and so prophetic, as well as poetic, were the lines, that it has ever since received, both at Cambridge and Oxford, the ignominious appellation of "*The Silent Sister.*" It is said by way of extenuation, that the fellows are too much occupied in the tuition of the students, to attend to their own literary repu-

tation; and indeed that the present Provost of the College has evinced a regard for his charge almost bordering upon innocent simplicity, no one can doubt after a perusal of the following anecdote. There is attached to it, amongst other advantages, a most magnificent library, of which the regulations were so rigid, and the public hours so few, that it had become to the externs particularly almost entirely useless. Strict as the ordinances respecting it were, the rigour of them was latterly so much increased, that a reverend member of the University thought proper formally to allude to it at a visitation. The Provost was called on for his defence. He pleaded the sanction of the board, and declared the utmost circumspection was now become necessary, as the graduates were actually, (gentle reader, start not!) actually taking to the study of the black art, and becoming horribly industrious about the books of MAGIC*!!! Poor man! he absolutely

* This reverend personage has lately, no doubt from the most laudable motives, suppressed the *Historical Society*, an institution, which as a school of eloquence was unrivalled, and has given to the bar and the senate some of their brightest ornaments. Such zeal may be very commendable, but it seems to me very mistaken.—I am far, however, from impugning its motives.

fancied himself at the head of a *College of Conjurers!* I may venture to predict, if ever such an institution should spring up in Ireland, its members will be only *bottle conjurers.* That Mr. Curran passed through this University without much distinction can hardly be considered as very derogatory to his character. He passed through it as Swift and Burke and Goldsmith did before him,

"The glory of the College and its shame"—

But though uncheered by any encouragement, and undistinguished by any favour, by the anonymous superintendents of the day, he was not altogether unvisited by their severity. He was called before their board on the slightest suspicion of irregularity, and generally proved himself more than an overmatch for them. At one time the charge was, that he kept *idle women* in his rooms! "I never did, please your Reverences," said the embryo advocate (with the expression of a modern saint upon his countenance), "I never did keep any woman *idle* in my room, and I am ready to prove it." Their Reverences, I believe, did not require

the corroboration. At another time he was called before them for wearing a *dirty shirt.* "I pleaded," said he, "inability to wear *a clean one,* and I told them the story of poor Lord Avonmore, who was at that time the plain, untitled, struggling Barry Yelverton. 'I wish, mother,' said Barry, 'I had *eleven* shirts'—'*Eleven!* Barry, why *eleven?*'—'Because, mother, I am of opinion that a gentleman, to be *comfortable,* ought to have *the dozen.*' Poor Barry had but *one,* and I made the precedent my justification."

From college he proceeded to London, where he contrived, *quocunque modo,* to enter his name on the books of the Middle Temple. Of his resources in the metropolis I never heard him speak, and the subject was too delicate to introduce. I have it, however, on the authority of a friend who knew him well, that he had some small stipend from the school at Middleton; and that in addition to this he profited considerably by his literary exertions. To the magazines and the newspapers of the day no doubt he was a contributor; and were it possible, it would be not only entertaining, but instructive, to

trace the infant glimmering of the intellect which was one day to shine in the "highest noon" of splendour. But the inquiry would be useless. The contemporaries of that day are almost all extinct, and the effusions of his unpractised pen have long since perished with the subjects in which they originated. They have suffered like himself, alas! the common lot of humanity—a lot which it is in vain for us to deplore, because impossible for us to prevent. Of his literary productions at that early period, I have only been able to collect the following poetic trifles.

LINES WRITTEN AT RICHMOND.

On the same spot where weeping Thomson paid
His last sad tribute to his Talbot's shade,
A humble muse, by fond remembrance led,
Bewails the absent where he mourned the dead;
Nor differs much the subject of the strain.
Whether of death or absence we complain,
Whether we 're sunder'd by the final scene,
Or envious seas disjoining roll between,
Absence, the dire effect, is still the same,
And death and distance differ but in name:
Yet sure they 're diff'rent; if the peaceful grave
From haunting thoughts its low-laid tenants save,
Alas! my friend, were Providence inclined,
In unrelenting wrath to human kind,

To take back ev'ry blessing that she gave,
From the wide ruin she would memory save;
For memory still, with more than Egypt's art,
Embalming ev'ry grief that wounds the heart,
Sits at the altar she had rais'd to woe,
And feeds the source whence tears must ever flow.

THE DESERTER'S LAMENTATION.

1.

If sadly thinking,
And spirits sinking,
Could more than drinking
Our griefs compose—
A cure for sorrow
From grief I'd borrow,
And hope to-morrow
Might end my woes.

2.

But since in wailing
There's nought availing,
For Death, unfailing,
Will strike the blow;
Then, for that reason,
And for the season,
Let us be merry
Before we go!

3.

A wayworn ranger,
To joy a stranger,
Through ev'ry danger
My course I've run;

Now, Death befriending,
His last aid lending,
My griefs are ending,
My woes are done.

4.

No more a rover,
Or hapless lover,
Those cares are over—
"My cup runs low;"
Then, for that reason,
And for the season,
Let us be merry
Before we go!

After he had eaten through his terms at the Temple, he returned to Ireland, where he formed a matrimonial connexion; which I wish most sincerely I could pass over in silence. Another publication has, however, no doubt very innocently, revived the calamity, which, out of delicacy to the living, I shall touch with as light a pen as possible. It was indeed to him a fountain of perpetual bitterness, overflowing the fairest prospects of his life, and mingling itself with the sweetest cup of his prosperity. He often repeated the circumstances—often sadly lamented to me the consequences of that union; but far be it from me to feed the

malignant appetite of an heartless curiosity with the melancholy detail which friendship must lament, and a generous enmity would mourn in silence. This was the unfortunate period of his life, upon which political antipathy and private envy gloated with a vile envenomed gratification.—Facts were exaggerated—falsehoods were invented—and exposed malignity took refuge in the universality of the libel which it first framed and then circulated. But no matter what was the cause of this calamity, he was its victim —and a more equitable tribunal than that of this world has already weighed his infirmities against his virtues.

In the year 1775, with, as he said himself, no living possession but a pregnant wife, he was called to the bar of Ireland. To that enlightened body, as at that day constituted, the "future men" of this country may be allowed to turn with an excusable and, in some sort, a national satisfaction. *There* were to be found her nobles, her aristocracy, her genius, her learning, and her patriotism, all concentrated within that little circle. No insolent pretension in the high,

frowned down the intellectual splendour of the humble—education compensated the want of birth—industry supplied the inferiority of fortune—and the *law*, which in its suitors knew no distinction but of justice, in its professors acknowledged none except that of merit. In other countries, where this glorious profession is degraded into a trade—where cunning supplies the place of intellect, and an handicraft mechanism is the substitute for mind—where, in Curran's peculiar phrase, "men begin to measure their depth by their darkness, and to fancy themselves profound because they feel they are perplexed"—no idea can be formed of that illustrious body—of the learning that informed, the genius that inspired, and the fire that warmed it; of the wit that relieved its wisdom, and the wisdom that dignified its wit; of the generous emulation that cherished while it contended; of the spotless honour that shone no less in the hereditary spirit of the highly born, than in the native integrity of the more humble aspirant; but, above all, of that lofty and unbending patriotism that at once won the confidence and enforced the imitation of the country. It is

not to be questioned that to the bar of that day the people of Ireland looked up in every emergency with the most perfect reliance upon their talent and their integrity. It was then the nursery of the parliament and the peerage. There was scarcely a noble family in the land that did not enrol its elect in that body, by the study of law and the exercise of eloquence to prepare them for the field of legislative exertion; and there not unfrequently there arose a genius from the very lowest of the people, who won his way to the distinctions of the senate, and wrested from pedigree the highest honours and offices of the constitution. It was a glorious spectacle to behold the hope of the peerage entering such an intellectual arena with the peasant's offspring; all difference merged in that of mind, and merit alone deciding the superiority. On such contests, and they were continual, the eye of every rank in the community was turned: the highest did not feel their birth debased by the victories of intellect; and the humblest expected, seldom in vain, to be ennobled in their turn. Many a personage sported the ermine on a back that had been coatless; and the garter

might have glittered on a leg that, in its native bog, had been unencumbered by a stocking. Amongst those who were most distinguished when Mr. Curran came to the bar, and with whom afterwards, as Chief Justice, he not unfrequently came in collision, was Mr. JOHN SCOTT, afterwards better known by the title of LORD CLONMELL. This person sprung from a very humble rank of life, and raised himself to his subsequent elevation, partly by his talents, partly by his courage, and, though last not least, by his very superior knowledge of the world. During the stormy administration of Lord Townsend, he, on the recommendation of Lord Lifford, the then Chancellor, was elected to a seat in the House of Commons, and from that period advanced gradually through the subordinate offices to his station on the bench. In the year 1770, and during the succeeding sessions, he had to encounter almost alone an opposition headed by Mr. Flood, and composed of as much effective hostility as ever faced a Treasury bench. His powers were rather versatile than argumentative; but when he failed to convince he generally succeeded in diverting; and if he

did not by the gravity of his reasoning dignify the majority to which he sedulously attached himself, he at all events covered their retreat with an exhaustless quiver of alternate sarcasm and ridicule. Added to this, he had a perseverance not to be fatigued and a personal intrepidity altogether invincible. When he could not overcome, he swaggered; and when he could not bully, he fought. The asperities of his public conduct were, however, invisible in private. He was stored with anecdote; seldom, it is true, very delicate in the selection: but his companionable qualities were well seconded by the fidelity of his friendships; and it is recorded of him, that he never made an insincere profession or forgot a favour. On the bench, indeed, and in some instances with Mr. Curran, he was occasionally very overbearing; but a bar such as I have described was not easily to be overborne; and for some asperity to a barrister of the name of *Hackett*, he was, after a professional meeting of the body, at which, though Chief Justice, he had but one supporter, obliged to confess and apologize for his misconduct in the public papers! The death of Lord Clonmell is said to have

originated in a very curious incident. In the year 1792 Mr. John Magee, the spirited proprietor of the Dublin Evening Post, had a fiat issued against him in a case of libel for a sum which the defendant thought excessive. The bench and the press were directly committed; and in such a case had a judge tenfold the power he has, he would be comparatively harmless. The subject made a noise—was brought before Parliament—and was at last, at least politically, set at rest by the defeat of the Chief Justice and the restriction of the judges in future in such cases to an inferior and a definite sum. Discomfited and mortified, Lord Clonmell retreated from the contest; but he retreated like an harpooned leviathan—the barb was in his back, and Magee held the cordage. He made the life of his enemy a burden to him: he exposed his errors; denied his merits; magnified his mistakes; ridiculed his pretensions; and, continually edging without overstepping the boundary of libel, poured upon the Chief Justice from the battery of the press a perpetual broadside of sarcasm and invective. "The man," says Dr. Johnson, challenging Junius—"the man who vilifies established

authority is sure to find an audience." Lord Clonmell too fatally verified the apophthegm. Wherever he went he was lampooned by a ballad-singer or laughed at by the populace. Nor was Magee's arsenal composed exclusively of paper ammunition: he rented a field bordering his Lordship's highly improved and decorated demesne; he advertised month after month that on such a day he would exhibit in this field a *grand olympic* PIG *hunt*—that the people, out of gratitude for their patronage of his newspaper, should be gratuitous spectators of this revived *classical* amusement, and that he was determined to make so amazing a provision of whisky and porter, that if any man went home thirsty it should be his own fault. The plan completely succeeded—hundreds and thousands assembled—every man did justice to his entertainer's hospitality, and his Lordship's magnificent demesne, uprooted and desolate, next day exhibited nothing but *the ruins of the olympic pig-hunt!* The rebellion approached—the popular exasperation was at its height—and the end of it was, that Magee went mad with his victory, and Lord Clonmell died literally broken-hearted with his defeat and his apprehensions.

Another, but a very different character, at that time in high eminence at the Irish bar, was the justly celebrated WALTER HUSSEY BURGH, a man reverenced by his profession, idolized by his friends, loved by the people, honoured by the crown, and highly respected even by those who differed from him. The history of no country perhaps hands down a character on its records upon which there exists less difference of opinion than on that of Hussey Burgh. As a man, benevolent, friendly, sincere, and honest; as a barrister, learned, eloquent, ardent, and disinterested; as a senator, in power respected by the opposition—and out of it by the ministry; he was always allowed principle, and heard with delight. His life was one continued glow of intellectual splendour; and when he sunk, the bar, the senate, and the country felt a temporary eclipse. Of his eloquence, the reporters of that day were too ignorant faithfully to transmit any fair memorial to posterity; and the memory of his few remaining contemporaries rather retains the general admiration of its effect, than any particular specimen of his language. I have heard but of one sentence which has escaped unmuti-

lated. Speaking of the oppressive laws which had coerced Ireland, and ended in the universal resistance of the people and the establishment of the volunteers, he warmed by degrees into the following fine classical allusion: "Yes," said he, "such laws were sown like the DRAGON'S TEETH in my country; but, thank God, the harvest has been *armed men!*" The fire of his manner, the silver tone of his voice, the inimitable graces of his action, all combined, gave such irresistible effect to this simple sentence so delivered, and addressed to an audience so prepared, that an universal burst of enthusiasm is said to have issued from the house, and to have been echoed by the galleries.

Another barrister who had immediately preceded the period of Mr. Curran was the RIGHT HON. JOHN HELY HUTCHINSON, the founder of a very distinguished family. From every account, he must have been a most extraordinary personage. After having amassed a large fortune at the bar, and held a distinguished seat in the senate, he accepted the provostship of Trinity College, and was, I believe, the first person promoted to that

rank who had not previously obtained a fellowship. His appointment gave great offence to the university; but he little heeded the resentment which was the consequence of any pecuniary promotion; and, indeed, such was his notoriety in this respect, that Lord Townsend, wearied out with his applications, is reported to have exclaimed, "By G—! if I gave Hutchinson England and Ireland for an estate, he would solicit the Isle of Man for a *potatoe-garden!*" The whole College combined against him, but it was only to prove the imbecility of mere bookworms when opposed to a man of the world. "The Provost," said Goldsmith, "stands like *an arch*—every additional pressure only shows his strength." He justified the observation—withstood all his enemies—and is said, when he was at the head of the university, actually to have had one of his daughters gazetted for a majority of horse, which commission she held for several days, until an opportunity offered for her *selling out to advantage!* It will readily be believed that the man who could thus captivate the court and command the university, must have been no very ordinary personage. Yet he owed his power much more to his

genius than his servility. With no common influence at the Castle, he is well known to have differed with ministers upon the most important questions—among the rest, the Catholic; and to have re-seated himself upon the Treasury bench with an influence rendered more respectable by the proofs of his independence. It is very true that he provided amply for his family; and I am glad he did so, because on many occasions they have proved themselves ornaments to their country. If it was a weakness, it was at all events an amiable one; and few there were in political life who have had the good fortune to find in the merits of its objects such a justification for their partiality. The Provost seemed to have been born a courtier. He had the power beyond almost all men of disguising his emotions; and when he chose, you might just as easily have extorted from a mask as from his countenance what was passing within him. Of this faculty there is a memorable instance given in his treatment of Dr. Magee, the present Dean of Cork, and author of the celebrated work on the atonement. Hutchinson was Provost, and had proposed his son for the representation of the uni-

versity. Magee was a fellow, and had a vote. The fellows after a certain time must be ordained, unless they obtain a dispensation from the Provost; and such dispensation was the wish next Magee's heart, as his rare talents must have raised him to the very highest station at the bar. He was given to understand it would be granted provided he voted for the Provost's son. This, however, a previous promise (which, of course, he was too honourable to violate) withheld him from doing. The Provost had just heard of the refusal, and was in a paroxysm of rage when Magee came to solicit the dispensation: his face was instantly all sunshine; with the most ineffable sweetness he took the offending applicant by the hand—"My dear Sir, consider," said he, "*I am placed guardian over the youth of Ireland*—How could I answer it to *my conscience* or my country if I deprived the university of *such a tutor!*"—"Never," said Magee, repeating the anecdote, "never did politician *look* deceit so admirably." The three barristers whom I have thus indiscriminately selected were lost in a crowd of others equally eminent at the Irish bar at this interesting epoch in Mr. Curran's

life. Of the immediate cotemporaries who commenced the race of competition along with him, we shall find many eminently distinguished both in the legal and parliamentary history of the country.

Called, as we have thus seen him, to the bar, he was without friends, without connexions, without fortune, conscious of talents far above the mob by which he was elbowed, and cursed with sensibility which rendered him painfully alive to the mortifications he was fated to experience. Those who have risen to professional eminence and recollect the impediments of such a commencement—the neglect abroad—the poverty perhaps at home—the frowns of rivalry—the fears of friendship—the sneer at the first essay—the prophecy that it will be the last—discouragements as to the present—forebodings as to the future—some who are established endeavouring to crush the chance of competition, and some who have failed anxious for the wretched consolation of companionship—those who recollect the comforts of such an apprenticeship may duly appreciate poor Curran's situation. After toiling for a very

inadequate recompense at the sessions of Cork, and wearing, as he said himself, his teeth almost to their stumps, he proceeded to the metropolis, taking for his wife and young children a miserable lodging upon *Hog Hill*. Term after term without either profit or professional reputation he paced the hall of the Four Courts. Yet even thus he was not altogether undistinguished. If his pocket was not heavy, his heart was light; he was young and ardent, buoyed up not less by the consciousness of what he felt within, than by the encouraging comparison with those who were successful around him, and he took his station among the crowd of idlers, whom he amused with his wit or amazed by his eloquence. Many even who had emerged from that crowd did not disdain occasionally to glean from his conversation the rich and varied treasures which he did not fail to squander with the most unsparing prodigality; and some there were who observed the brightness of the infant luminary struggling through the obscurity that clouded its commencement. Amongst those who had the discrimination to appreciate, and the heart to feel for him, luckily for Curran, was Mr. Arthur Wolfe,

afterwards the unfortunate but respected Lord Kilwarden. The first fee of any consequence which he received was through his recommendation; and his recital of the incident cannot be without its interest to the young professional aspirant whom a temporary neglect may have sunk into dejection. "I then lived," said he, "upon Hog Hill; my wife and children were the chief furniture of my apartments; and as to my rent, it stood pretty much the same chance of its liquidation with the national debt. Mrs. Curran, however, was a barrister's lady, and what she wanted in wealth she was well determined should be supplied by dignity. The landlady, on the other hand, had no idea of any gradation except that of pounds, shillings, and pence. I walked out one morning to avoid the perpetual altercations on the subject, with my mind, you may imagine, in no very enviable temperament. I fell into the gloom to which, from my infancy, I had been occasionally subject. I had a family for whom I had no dinner; and a landlady for whom I had no rent. I had gone abroad in despondence—I returned home almost in desperation. When I opened the door of my

study, where *Lavater* alone could have found a library, the first object which presented itself was an immense folio of a brief, twenty golden guineas wrapped up beside it, and the name of *Old Bob Lyons* marked upon the back of it. I paid my landlady—bought a good dinner—gave Bob Lyons a share of it—and that dinner was the date of my prosperity." Such was his own exact account of his professional advancement: and perhaps the reader may feel some interest attached to the person of the man who thus held out to Curran the hand of encouragement when he was trembling upon the pivot of his destiny. A personal acquaintance has given me in some degree the means of gratifying his curiosity. Bob Lyons, the attorney, was a perfect but indeed a very favourable specimen of a class of men now quite extinct in Ireland, and never perhaps known in any other country in creation. They were a kind of compound of the rack-rent squire and the sharp law practitioner—careless and craving—extravagant and usurious—honourable and subtle—just as their education or their nature happened to predominate at the moment. They had too

much ignorant conceit not to despise the profession, and too many artificial wants not at times to have recourse to its *arcana*. The solicitor of the morning was the host of the evening; the *invitation* perhaps came on the back of the *capias*, and the gentleman of *undoubted Milesian origin* capped the climax of his innumerable bumpers with toasting confusion to the gentleman by *act of parliament*. This race of men, a genus in themselves distinct and peculiar, grew like an excrescence upon the system of the country; the Irish squire of half a century ago *scorned* not to be in debt; it would be beneath his dignity to live within his income; and next to not incurring a debt, the greatest degradation would have been voluntarily to *pay one*. The consequence necessarily of creditors was law, and the indispensable consequence of law was an attorney: but those whom law estranged the table re-united—the squire became reconciled to the attorney over a bottle—to avoid his process he made him his agent, and the estate soon passed from their alternate possession by the same course of ruinous prodigality.

Such was the community of which old Bob Lyons was a most distinguished member; but of which, as I have said before, he was a most favourable specimen. Plausible in his manners and hospitable in his habits, those who feared him for his undoubted skill as a practitioner, esteemed him for his convivial qualities as a companion. Nor had even his industry the ill favour of selfishness. If he gained all he could, still he spent all he gained, and those who marvelled at the poverty of his neighbourhood, could easily have counted his personal acquisitions. No matter who might be the poorer for him, he was the richer for no man—in short, it seemed to be the office of his left hand lavishly to expend what his right hand assiduously accumulated. When I became first acquainted with him he had reaped the harvests of two thirds of a century, and alternately sued and entertained two thirds of the province of Connaught, in which he resided. He had all the pleasantry of youth in his address, and art struggled hard to set off the lingering graces of his exterior. His clothes were always adjusted to a nicety—a perennial Brutus rendered either baldness or greyness

invisible, and the jet black liquid that made his boot a mirror, *renovated the almost traceless semicircle of his eyebrow!* Such to an iota, was old Bob Lyons; and to him Curran has often told me he owed not merely much of the prosperity, but many of the pleasantest hours of his existence. The case in which he employed him first, was the Sligo Election Petition Cause, between Ormsby and Wynne; a species of litigation from which, thanks to the Union, no young Irish barrister will ever date his prosperity in future. In this cause Mr. Curran eminently distinguished himself; and so grateful was Lyons for his exertions, that he gave him professional business afterwards in succession to the full amount of eleven hundred pounds. This, of course, quite established him in the world—the landlady upon Hog Hill began to view him in altogether a different aspect, and an house of his own, furnished at all points, rewarded his friend Lyons with no churlish hospitality. —Lyons's country residence was situated on the sea-shore, about ten miles to the northwest of Sligo. The English reader can have no idea whatever of such a residence in such a country. Scenery rude, varied, and ro-

mantic—rocks upon rocks tossed together in the most fantastic groupings—and mountains of every height and every shape, frowning over the vast expanse of the Atlantic ocean, give rather shelter than habitation to a people who have proclaimed eternal warfare with civilization. Half a century has since passed over them without introducing an innovation upon their ancient customs; and the feats of their forefathers, too outrageous for perpetration—and the articles of their superstition, too monstrous for credulity—have now rooted themselves into a kind of prescriptive reverence. The seals that infest their coasts in great numbers, they believe to be animated by the souls of their antiquated maiden relatives, a supposition certainly far more creditable to the chastity of the one sex than the gallantry of the other—the rocks, that with their echoes "syllable men's names," are the established residence of some rustic wizard—and the *fairies*, numerous enough at the dawn of the morning, never fail to double their numbers towards the conclusion of the frequent holyday! Such was the scene in Curran's early life of many a long vacation. Here the voice, upon whose

accents the senate and the people hung, was loud in the revelry of the village wake; and the mind stored with every classic treasure and inspired with every sublime perception, rivalled the peasant's mirth and wore familiarly the peasant's merriment. Nor was this idle jocularity without its value. Often afterwards in his professional circuit, the hearer, who stood entranced at an eloquence that seemed to flow from the very fount of inspiration, would see him suddenly, with some village witness, assume the vulgar air and attitude and accent, until his familiarity wheedled the confession which his ingenuity never could have extorted. Various were the anecdotes with which Mr. Curran used to exemplify the annals of Mulloghmore and the history of Bob Lyons. But many of them owed half their value to their local interest, and many of them were of a nature more suited to the table than the press. To me, who from my infancy had been familiar with all the localities of the scene, he delighted to repeat them; and as he sported in the retrospect of days so long gone by, the very spirit of the poet's veteran revived within him

—he lived over again the pleasures he was describing.

In one of these excursions a very singular circumstance had almost rendered this the period of his biography. He was on a temporary visit to the neighbouring town of Sligo, and was one morning standing at his bed-room window, which overlooked the street, occupied, as he told me, in arranging his portmanteau, when he was stunned by the report of a blunderbuss in the very chamber with him; and the panes above his head were all shivered into atoms! He looked suddenly around in the greatest consternation. The room was full of smoke—the blunderbuss on the floor just discharged—the door closed, and no human being but himself discoverable in the apartment! If this had happened in his rural retreat, it could readily have been reconciled through the medium of some offended spirit of the village mythology; but, as it was, he was in a populous town—in a civilized family—amongst Christian doctrines, where the fairies had no power and their gambols no currency; and to crown all, a poor cobler, into whose stall on the opposite

side of the street the slugs had penetrated, hinted in no very equivocal terms that the whole affair was a conspiracy against his life. It was by no means a pleasant addition to the chances of assassination, to be loudly declaimed against by a crazed mechanic as an assassin himself. Day after day passed away without any solution of the mystery, when one evening, as the servants of the family were conversing round the fire on so miraculous an escape, a little urchin, not ten years old, was heard so to wonder how *such an aim* was missed, that an universal suspicion was immediately excited. He was alternately flogged and coaxed into a confession, which disclosed as much precocious and malignant premeditation as perhaps ever marked the annals of juvenile depravity. This little miscreant had received a box on the ear from Mr. Curran for some alleged misconduct a few days before—the Moor's blow did not sink deeper into a mind more furious for revenge, or more predisposed by nature for such deadly impressions. He was in the bed-room by mere chance, when Mr. Curran entered. He immediately hid himself in the curtains till he observed him too busy with

his portmanteau for observation. He then levelled at him the old blunderbuss which lay charged in the corner, the stiffness of whose trigger, too strong for his infant fingers, alone prevented the aim which he confessed he had taken, and which had so nearly terminated the occupations of the cobler. The door was a-jar, and mid the smoke and terror he easily slipped out without discovery. I had the story verbatim a few months ago from Mr. Curran's lips, whose impressions on the subject it was no wonder that forty years had not obliterated.

From this period he began rapidly to rise in professional estimation. There was no cause in the metropolis of any interest in which he was not concerned, nor was there a county in the provinces which at some time or other he did not visit on a special retainer. It was an object almost with every one to pre-occupy so successful or so dangerous an advocate; for, if he failed in inducing a jury to sympathize with his client, he at all events left a picture of his adversary behind him, which survived and embittered the advantages of victory. Nor was his eloquence

his only weapon: at cross-examination, the most difficult and by far the most hazardous part of a barrister's profession, he was quite inimitable. There was no plan which he did not detect—no web which he did not disentangle—and the unfortunate wretch who commenced with all the confidence of preconcerted perjury, never failed to retreat before him in all the confusion of exposure. Indeed it was almost impossible for the guilty to offer a successful resistance. He argued—he cajoled—he ridiculed—he mimicked—he played off the various artillery of his talent upon the witness—he would affect earnestness upon trifles, and levity upon subjects of the most serious import, until at length he succeeded in creating a security that was fatal, or a sullenness that produced all the consequences of prevarication. No matter how unfair the topic, he never failed to avail himself of it; acting upon the principle, that in law as well as in war, every stratagem was admissible. If he was hard pressed, there was no peculiarity of person—no singularity of name—no eccentricity of profession at which he would not grasp, trying to confound the self-possession of the witness in the, no

matter how excited, ridicule of the audience. To a witness of the name of *Halfpenny* he once began, "Halfpenny, I see you're a *chap*, and for that reason you shall be nailed to the counter."—"Halfpenny is *sterling*!" exclaimed the opposite counsel—"No, no!" said he, "he's exactly like his own conscience, only *copper washed.*"

To *Lundy Foot*, the celebrated tobacconist, once hesitating on the table—"Lundy—Lundy—that's a poser—*a devil of a pikch.*" This was the gentleman who applied to Curran for a motto when he first established his carriage. "Give me one, my dear Curran," said he, "of a serious cast, because I am afraid the people will laugh at a tobacconist setting up a carriage, and, *for the scholarship's sake*, let it be in Latin."—"I have just hit on it," said Curran—"it is only two words, Lundy, and it will at once explain your profession, your elevation, and your contempt for their ridicule, and it has the advantage of being in two languages, Latin or English, just as the reader chooses—put up '*Quid rides*' upon your carriage."

Inquiring his master's age from an horse-jockey's servant, he found it almost impossible to extract an answer. "Come, come, friend—has he not lost his teeth?" "Do you think," retorted the fellow, "that I know his age as he does his horse's, by *the mark of the mouth?*" The laugh was against Curran, but he instantly recovered—"You were very right not to try, friend; for you know your master is a *great bite*."

He was just rising to cross-examine a witness before a Judge who could not comprehend any jest which was not written in *black letter*. Before he said a single word the witness began to laugh. "What are you laughing at, friend—what are you laughing at? Let me tell you that a laugh without a joke is like—is like——". "Like what, Mr. Curran?" asked the Judge, imagining he was nonplussed—"Just exactly, my Lord, like a *contingent remainder* without any particular *estate* to support it." I am afraid none but my legal readers will understand the admirable felicity of the similitude; but it was quite to his Lordship's fancy, and ri-

valled with him all "the wit that Rabelais ever scattered."

Examining a country squire who disputed a collier's bill—"Did he not give you the *coals*, friend?"—"He did, Sir, but——" "But what?—on your oath was n't your payment *slack?*"

It was thus that in some way or other he contrived to throw the witnesses off their centre, and he took care they seldom should recover it. "My lard—my lard"—vociferated a peasant witness, writhing under this mental excruciation—"My lard—my lard—I can't answer yon little gentleman, *he's putting me in such a doldrum.*"—"A doldrum! Mr. Curran, what does he mean by a doldrum?" exclaimed Lord Avonmore. "O! my Lord, it's a very common complaint with persons of this description—it's merely a *confusion of the head arising from a corruption of the heart.*"

To the bench he was at times quite as unceremonious; and if he thought himself reflected on or interfered with, had instant

recourse either to ridicule or invective. There is a celebrated reply in circulation of Mr. Dunning to a remark of Lord Mansfield, who curtly exclaimed at one of his legal positions, "O! if that be law, Mr. Dunning, I may *burn* my law books!"—"Better *read* them, my Lord," was the sarcastic and appropriate rejoinder.

In a different spirit, but with similar effect, was Mr. Curran's retort upon an Irish judge, quite as remarkable for his good humour and raillery as for his legal researches. He was addressing a jury on one of the state trials in 1803 with his usual animation. The judge, whose political bias, if any a judge can have, was certainly supposed not to be favourable to the prisoner, *shook his head* in doubt or denial of one of the advocate's arguments. "I see, gentlemen," said Mr. Curran, "I see the motion of his Lordship's head; common observers might imagine that implied a difference of opinion, but they would be mistaken—it is merely accidental—believe me, gentlemen, if you remain here many days, you will yourselves perceive, that

when his Lordship *shakes his head* there's *nothing in it!*"

A former biographer of Mr. Curran relates the following story of Judge Robinson and Mr. Hoare, which, as it is incidental to the present subject, I shall take the liberty of quoting. "The judge," says Mr. O'Regan, "was small and peevish—Mr. Hoare strong and solemn; the former had been powerfully resisted by the uncompromising sternness of the latter. At length the judge charged him with a design to bring the king's commission into contempt: "No, my Lord," said Mr. Hoare; "I have read in a book that when a peasant, during the troubles of Charles the First, found the crown in a bush, he showed it all marks of reverence; but I will go a step farther, for though I should find the king's commission even upon *a bramble*, still I shall respect it." I have every reason from Mr. Curran's own report to believe the character given of this Robinson by the historian of the foregoing anecdote. If he does not affect the "nostrils of posterity" in precisely the same manner which has been prophesied with more strength than delicacy of a worthy judicial

predecessor, it is only because he will never reach them. Future ages, however, may very easily esteem him more highly than did his own generation. Indeed, it was currently reported, perhaps untruly, that he had risen to his rank by the publication of some political pamphlets only remarkable for their senseless, slavish, and envenomed scurrility. This fellow, when poor Curran was struggling with adversity, and straining every nerve in one of his infant professional exertions, made a most unfeeling effort to extinguish him: he had declared, in combating some opinion of his adversary, that *he had consulted all his law books*, and could not find a single case in which the principle contended for, was established: "I suspect, Sir," said the heartless blockhead, "I suspect that your law library is rather contracted!!" So brutal a remark applied from the bench to any young man of ordinary pretensions would infallibly have crushed him; but when any pressure was attempted upon Curran, he never failed to rise with redoubled elasticity; he eyed the judge for a moment in the most contemptuous silence: —"It is very true, my Lord, that I am poor, and the circumstance has certainly rather

curtailed my library; my books are not numerous, but they are select, and I hope have been perused with proper dispositions; I have prepared myself for this high profession rather by the study of a few good books than *by the composition of a great many bad ones.* I am not ashamed of my poverty, but I should of my wealth, could I stoop to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest; and should I ever cease to be so, many an example shows me, that an ill-acquired elevation, by making me the more conspicuous, would only make me the more universally and the more notoriously contemptible." Robinson looked, all that his nature would allow him, rather astonished than abashed; but I could not learn that he ever after volunteered himself into a similar altercation.

It may readily be supposed that giving, as he did, such rein to his invective, and possessing such varied powers of exasperation, an escape from personal collision at all times was impossible. In the very outset of his professional career he was employed at Cork to prosecute an officer of the name of *Sel-*

linger for an assault upon a Roman Catholic clergyman. Sellinger, justly or unjustly, was suspected by Curran to be a mere political creature of Lord Doneraile, and to have acted in complete subserviency to the religious prejudices of his patron. On this theme he expatiated with such personal bitterness and such effect, that Sellinger sent him a message the next day. They met: and, Curran not returning his fire, the affair was concluded. "It was not necessary," said Curran, "for me to fire at him; he died in three weeks after the duel *of the report of his own pistol.*" On his relation of this circumstance, as it materially differed from my opinions on the subject, I took the liberty of asking him whether he thought the course which he had adopted with respect to Mr. Sellinger ought to become a model for professional imitation. As the barrister receives his instructions from a solicitor, and as it is his duty zealously to act on them, it struck me as quite intolerable that a personal explanation should be expected from him afterwards. By his professional oath as well as by his professional interest he is bound to exert every energy for his client; and surely the able discharge of

such a trust should not fairly subject him to the effects of irritated pride or disappointed avarice. If such were the case, the profession of the law should altogether change its aspect: every fee ought to be a life insurance — every brief be accompanied by a pistol, and the Temple commons succeed an apprenticeship to a rifle regiment. Mr. Curran's justification on this subject was, that on his entrance into life the state of society in Ireland was literally so savage, that almost every argument was concluded by *a wager of battle*, and the man could scarcely be enrolled into their Christian community until, as in some Indian colonies, his prowess had been proved by an appeal to arms! This, however, he mentioned in terms of deep regret; admitting, that he had suffered himself rather to be borne along by the tide of a barbarous custom, than regulated by any fixed principle of his own. In the case alluded to, he had very far indeed exceeded his instructions, and that was the reason why, in giving his antagonist personal satisfaction, he had deliberately secured him from any personal risk.

We may now consider him as established at the bar fully and prosperously, rising to the very summit of his profession, and daily employed in those forensic efforts on which his fame as an orator must rest with posterity. Occupied as he was, his convivial habits were never interrupted; and a society was formed of the choicest spirits in the metropolis, in which Curran contributed more than his proportion of amusement. Of the hours passed in this society he ever afterwards spoke with enthusiasm. "Those hours," said he, addressing Lord Avonmore as a Judge, and wringing tears from his aged eyes at the recollection, "those hours which we can remember with no other regret than that they can return no more"—

"We spent them not in toys, or lust, or wine;
But search of deep philosophy,
Wit, eloquence, and poesy,
Arts which I loved; for they, my friend, were thine."

This society was entitled, no doubt very appropriately, "*The Monks of the Screw.*" It met on every Saturday during the law term, in a large house in Kevin's Street, the property of the late Lord Tracton, and now

converted into a Seneschal's Court! The furniture and regulations of their festive apartment were completely *monkish*, and they owed both their title and their foundation to an original society formed near Newmarket, by Lord Avonmore; of which he drew up the rules in very quaint and comic monkish Latin verse. The reader may have some idea of what a delightful intercourse this society must have afforded, when he hears that Flood, Grattan, Curran, Father O'Leary, Lord Charlemont, Judges Day, Chamberlaine and Metge; Bowes Daly, George Ogle, Lord Avonmore, Mr. Keller, and an whole host of such men, were amongst its members. Curran was installed Grand Prior of the order, and deputed to compose the charter song. I have often heard him repeat it at his own table in a droll kind of recitative, but it is a little too bacchanalian for publication. It began thus—

1.

When Saint Patrick our order created,
And called us the Monks of the Screw,
Good rules he revealed to our Abbot,
To guide us in what we should do.

2.

But first he replenished his fountain
With liquor the best in the sky,
And he swore by the word of his saintship,
That fountain should never run dry.

3.

My children, be chaste till you 're tempted—
While sober, be wise and discreet—
And humble your bodies with fasting,
Whene'er you 've got nothing to eat.

4.

Then be not a glass in the Convent,
Except on a festival, found—
And this rule to enforce, I ordain it
A festival—*all the year round.*

Saint Patrick, the tutelary idol of the country, was their patron saint; and his Lilliputian statue, mitred and crosiered, after having for years consecrated their monkish revels, was transferred to the convivial sideboard of the Priory. If that little statue was half as sensitive to the beams of wit, as the work of Memnon was to the sunbeam, how often would its immortal master have made it eloquent!

Eminent in this society, and indeed in every other society of which he was a member, was Barry Yelverton, afterwards Lord Avon-

more, the early friend of Curran, the companion of all his dearest enjoyments, the occasional rival of his talents, or victim of his whims, and to the day of his death the theme of his idolatry. His character has been drawn by Sir Jonah Barrington, in his admirable work on the Union, with such a powerful hand, and, as I have heard acknowledged by Mr. Curran, with such scrupulous fidelity, that I shall give it an entire transcription. Indeed, of Lord Avonmore I have myself a kind of early and affectionate recollection. When I was a schoolboy, he went as Judge the circuit in which I resided —we were allowed vacation to go and *see the Judges*—it was an æra in the schoolboy's life. I had never seen a Judge before. Poor Lord Avonmore observed, no doubt, the childish awe with which my eyes wandered over the robe—the wig—the little cap of office, and all the imposing paraphernalia of judicial importance. He took me on the bench beside him—asked my name—my parents—my school, and after patting me on the head and sharing his cakes with me, with much solemnity told me he would certainly return in summer *on purpose* to inquire whether I

minded my learning! I fully believed him—fancied myself at least a foot taller, and was in my own way quite as vain as *grown-up* children are of similar trifles! When I told Curran the circumstance many a long day afterwards, adding that at the time I verily felt myself almost as consequential as the Judge—"Oh yes," said he, the tear starting into his eye, "and take my word for it, that Judge was every whit *as innocent as the school-boy.*"

"Barry Yelverton," says Sir Jonah Barrington, "afterwards Lord Avonmore, and successor to Hussey Burgh, as Chief Baron of the Exchequer, had acquired great celebrity as an advocate at the Irish bar, and was at this time rapidly winging his way to the highest pinnacle of honourable notoriety and forensic advancement. He had been elected member of Parliament for the town of Carrickfergus, and became a zealous partizan for the claims of Ireland.

"It would be difficult to do justice to the lofty and overwhelming elocution of this distinguished man, during the early period of

his political exertions. To the profound, logical, and conclusive reasoning of Flood;—the brilliant, stimulating, epigrammatic antithesis of Grattan;—the sweet-toned, captivating, convincing rhetoric of Burgh;—or the wild fascinating imagery, and varied pathos of the extraordinary Curran, he was respectively inferior;—but in powerful, nervous language, he excelled them all. A vigorous, commanding, undaunted eloquence burst in torrents from his lips; not a word was lost. Though fiery, yet weighty and distinct, the authoritative rapidity of his language, relieved by the figurative beauty of his luxuriant fancy, subdued the auditor without a power of resistance, and left him in doubt, whether it was to argument or to eloquence that he surrendered his conviction.

"His talents were alike adapted to public purposes, as his private qualities to domestic society. In the common transactions of the world he was an infant;—in the varieties of right and wrong, of propriety and error, a frail mortal;—in the senate and at the bar, a mighty giant;—it was on the bench that, unconscious of his errors, and in his

home, unconscious of his virtues, both were most conspicuous. That deep-seated vice, which with equal power freezes the miser's heart, and inflames the ruffian's passions, was to him a stranger;—he was always rich, and always poor;—but though circumstances might sometimes have been his guide, avarice never was his conductor: like his great predecessor, frugality fled before the carelessness of his mind—and left him the victim of his liberality, and, of course, in many instances a monument of ingratitude. His character was entirely transparent, it had no opake qualities;—his passions were open—his prepossessions palpable—his failings obvious—and he took as little pains to conceal his faults as to publish his perfections.

"In politics he was rather more steady to party than to principle, but evinced no immutable consistency in either:—a patriot by nature, yet susceptible of seduction—a partizan by temper, yet capable of instability—the commencement and conclusion of his political conduct were as distinct as the poles, and as dissimilar as the elements.

"Amply qualified for the bench by profound legal and constitutional learning, extensive professional practice, strong logical powers, a classical and wide-ranging capacity, equitable propensities, and a philanthropic disposition; he possessed all the positive qualifications for a great judge:—but he could not temporize; the total absence of skilful or even necessary caution, and the indulgence of a few feeble counteracting habits, greatly diminished that high reputation, which a more cold phlegmatic mien, or a solemn, imposing, vulgar plausibility, often confers on miserably inferior characters.

"As a judge, he certainly had some of those marked imperfections too frequently observable in judicial officers:—he received impressions too soon, and perhaps too strongly;—he was indolent in research, and impatient in discussion;—the natural quickness of his perception hurried off his judgment, before he had time to regulate it, and sometimes left his justice and his learning *idle spectators* of his reasons and his determination; — while extraneous considerations

occasionally obtruded themselves upon his unguarded mind, and involuntarily led him away from the straight path of calm deliberation.

"But the errors of talented and celebrated men are always more conspicuous, exaggerated, and condemned, than those of inferior ones; and perhaps this severity is not altogether unjustifiable: the errors of dulness may be the errors of nature; those of talent have not the same apology. But even with all his faults, Lord Avonmore's abilities were vastly superior to those of almost all his judicial cotemporaries united. If he was impetuous, it was an impetuosity in which his heart had no concern;—he was never unkind, that he was not always repentant;—and ever thinking that he acted with rectitude, the cause of his greatest errors seemed to be a careless ignorance of his lesser imperfections.

"He had a species of intermitting ambition, which either led him too far, or forsook him altogether. His pursuits, of course, were unequal, and his ways irregular:—he

sometimes forgot his objects, and frequently forgot himself. Elevated solely by his own talents — he acquired new habits without altogether divesting himself of the old ones—and there was scarcely a society so high, or a company so humble, that the instinctive versatility of his natural manners could not be adapted to either. A scholar—a poet—a statesman—a lawyer,—in elevated society he was a brilliant wit—at lower tables, a vulgar humourist:—he had appropriate anecdote and conviviality for all—and, whether in the one or in the other, he seldom failed to be either entertaining or instructive.

"He was a friend, ardent, but indiscriminate even to blindness—an enemy, warm, but forgiving even to folly;—he lost his dignity by the injudiciousness of his selections—and sunk his consequence in the pliability of his nature;—to the first he was a dupe—to the latter an instrument:—on the whole, he was a more enlightened than efficient statesman—a more able, than unexceptionable judge—and more honest in theory, than the practice of his politics. His rising sun was brilliant—his meridian, cloudy—his set-

ting, obscure:—crosses, at length, ruffled his temper—deceptions abated his confidence—time tore down his talent—he became depressed and indifferent—and after a long life of chequered incidents and inconsistent conduct, he died, leaving behind him few men who possessed so much talent — so much heart—or so much weakness.

"This distinguished man, at the critical period of Ireland's emancipation, burst forth as a meteor in the Irish senate: his career in the Commons was not long—but it was busy and important;—he had connected himself with the Duke of Portland, and continued that connexion uninterrupted till the day of his dissolution. But through the influence of that nobleman, and the absolute necessity of a family provision—on the question of the Union, the radiance of his public character was obscured for ever — the laurels of his early achievements fell withered from his brow—and after having with zeal and sincerity laboured to attain independence for his country in 1782—he became one of its sale-masters in 1800 — and mingling in a motley crowd, uncongenial to his native cha-

racter—and beneath his natural superiority—he surrendered the rights—the franchises—and the honours of that peerage, to which, by his great talents and his early virtues, he had been so justly elevated.

"Except upon the bench, his person was devoid of dignity, and his appearance ordinary, and rather mean—yet there was something in the strong-marked lines of his rough unfinished features, which bespoke a character of no common description;—powerful talent was its first trait—fire and philanthropy contended for the next,—his countenance, wrought up and varied by the strong impressions of his labouring mind, could be better termed indicatory than expressive; and in the midst of his greatest errors and most reprehensible moments, it was difficult not to respect, and impossible not to regard him."

Such is his picture as drawn by a very admirable and powerful pen. There certainly are features in it not necessary to have been exhibited in such a work as this, but quite indispensable to the more serious details of

Sir Jonah Barrington's political history. Whatever may have been his tergiversations as a politician, and on the subject alluded to, no one can condemn him more vehemently than I do; we have merely to view him as the friend of Curran, the companion of his convivial hours, and the associate of his professional struggles. His simplicity was quite astonishing. He was the complete GOLDSMITH of the bar, as inspired, as simple, and at times as absent. Curran, who delighted to exemplify both by imitation and by anecdote the characters which he sketched, used to detail innumerable instances of this characteristic. He was his magnus Apollo—he always took care to sit next him at table, and put himself under his especial direction. Over and over again he was the victim of his infallible but goodnatured waggishness; and if Curran began the most incredible story, continuing it to the end with a grave face, he was sure to command the temporary credulity of Barry Yelverton! However, when all recollection of the story was lost, and some different topic under discussion, perhaps in about half an hour afterwards, he, *who had been revolving it all the time in his memory,*

would at length self-satisfied turn round, "Why, Curran, that story you told awhile ago, is both morally and physically *impossible*." The conscious smile of Curran instantly betrayed the imposition, but the next moment would have made his hearer a dupe again; and the next half hour not failed to produce another discovery. The mind, however, which was thus replete with simplicity, was stored with the rich wealth of classic lore, and capable of grasping the most momentous subjects. The Court of Exchequer in which he presided, was, during his time, literally the arena of wit and eloquence. The idler resorted to it for amusement, the student for information, and scarcely a day passed in which something did not occur well worthy of being recorded. As a judge, and indeed Barrington has hinted at it, Lord Avonmore had one great fault. He was apt to take up a first impression of a cause, and it was very difficult afterwards to obliterate it. The advocate, therefore, had not only to struggle against the real obstacles presented to him by the case itself, but also with the imaginary ones, created by the hasty anticipation of the judge. Curran was one day most se-

riously annoyed by this habit of Lord Avonmore, and he took the following whimsical method of correcting it. The reader must remember that the object of the narrator was, by a tedious and malicious procrastination, to irritate his hearer into the vice which he was so anxious to eradicate. They were to dine together at the house of a mutual friend, and a large party was assembled, many of whom witnessed the occurrences of the morning. Curran, contrary to all his usual habits, was late for dinner, and at length arrived in the most admirably affected agitation. "Why, Mr. Curran, you have kept us a full hour waiting dinner for you," grumbled out Lord Avonmore. "Oh, my dear Lord, I regret it much—you must know it is not my custom, but—I've just been witness to a most melancholy occurrence."—"My God!—you seem terribly moved by it—take a glass of wine—what was it—what was it?"—"I will tell you, my Lord, the moment I can collect myself—I had been detained at Court—in the Court of Chancery—your Lordship knows the Chancellor sits late."—"I do—I do—but go on."—"Well, my Lord, I was hurrying here as fast as ever

I could—I did not even change my dress —I hope I shall be excused for coming in my boots?"—"Poh, poh—never mind your boots—the point—come at once to the point of the story."—"Oh—I will, my good Lord, in a moment—I walked here—I would not even wait to get the carriage ready—it would have taken time, you know—now there is a market exactly in the road by which I had to pass—your Lordship may perhaps recollect the market—do you?"—"To be sure I do—go on, Curran—go on with the story."—"I am very glad your Lordship remembers the market, for I totally forget the name of it—the name—the name—" "What the devil signifies the name of it, Sir?—it's the Castle Market."—"Your Lordship is perfectly right—It is called the Castle Market. —Well, I was passing through that very identical Castle Market, when I observed a butcher preparing to kill a calf—he had a huge knife in his hand—it was as sharp as a razor—the calf was standing beside him—he drew the knife to plunge it into the animal—just as he was in the act of doing so, a little boy about four years old—his only son—the loveliest little baby I ever saw, ran suddenly across his path—and he killed!

O! my God, he killed——"—"The child!—the child!—the child!"—vociferated Lord Avonmore.—"No, my Lord, *the calf*," continued Curran, very coolly—"he killed the calf—but—*your Lordship is in the habit of anticipating*." The universal laugh was thus raised against his Lordship, and Curran declared that often afterwards, a first impression was removed more easily from the Court of Exchequer by the recollection of the calf in Castle Market, than by all the eloquence of the entire profession.

Lord Avonmore loved a jest in his very heart. He could not resist it even upon the bench, and his friend, well aware of the propensity, used not unfrequently to wage war against the gravity of the judgment-seat. He has often related, facetiously enough, an attack which he once made upon the mingled simplicity and laughter-loving disposition of the Chief Baron; who, with all his other qualifications, piqued himself, and very justly, on his profound classical acquisitions. He was one day addressing a jury of Dublin shopkeepers, so stupid and so illiterate that the finest flights of his eloquence were lost on them. "I remember, gentlemen," said he,

stealing a side glance at the unconscious and attentive Lord Avonmore, "I remember the ridicule with which my learned friend has been pleased so unworthily to visit the poverty of my client; and remembering it, neither of us can forget the fine sentiment of a great Greek historian upon the subject, which I shall take the liberty of quoting in the original, as no doubt it must be most familiar to all of you.—It is to be found in the celebrated work of *Hesiod*, called the '*Phantasmagoria.*'—After expatiating upon the sad effects of poverty, you may remember he pathetically remarks—

> "Nil habet infelix paupertas durius in se
> Quam quod ridiculos homines facit——"

Lord Avonmore bristled up at once—"Why, Mr. Curran, Hesiod was not an historian—he was a *poet*, and for my part I never heard before of any such poem as the *Phantasmagoria.*"—"Oh, my good Lord, I assure you he wrote it."—"Well, well, it may be so—I'll not dispute it, as you seem to be so very serious about it, but at all events, the lines you quoted are *Latin*—they are undoubtedly *Juvenal's.*"—"Perhaps, my Lord, he quotes them from the Phantasmagoria."—"Tut, tut,

man, I tell you they're *Latin*—they're just as familiar to me as my Blackstone."—"Indeed, my good Lord, they're Greek."—"Why, Mr. Curran, do you want to persuade me out of my senses?—I tell you they're *Latin*—can it be possible that your memory so fails you?"—"Well, my Lord—I see plainly enough we never can agree upon the subject—but, I 'll tell you how it can easily be determined—if it was a legal question, I should of course bow at once to the decision of your Lordship, but it is not—it 's a mere matter of fact, and there 's only one way, I know, of deciding it—Send it up as a collateral issue to that jury, and, I 'll be bound, they 'll——*find it Greek.*" The joke flashed upon the simplicity of Lord Avonmore—he literally shook with laughter; and that the whole picture might preserve its *keeping*, Curran declared he extended his immense hand over the cheek that was next the jury-box, *by way of keeping them entirely out of the secret.*

Amongst his other peculiarities, he was in the habit of occasional fits of absence. One day at a crowded dinner, the common toast of our *absent friends* was given. Curran, as

usual, sat beside Lord Avonmore, who was immersed in one of his habitual reveries, altogether unconscious of what was passing. He maliciously aroused him—"Yelverton—Yelverton—the host has just announced your health in very flattering terms—it is considered very cavalier in you not to have acknowledged it."—Up started the unsuspecting Yelverton, and it was not till after a very eloquent speech that he was apprised of the hoax in which it had originated!

With all this simplicity he was undoubtedly a very great man, and it is an irreparable loss to literature, that either his modesty or his indolence prevented his transmitting to posterity any work to justify the impression which he so powerfully has made on the memory of his cotemporaries. It is said, indeed, that there is in existence, either a translation, or a corrected edition, of Livy, in manuscript, which he prepared during the intervals of his professional labour, but which he was too timid to offer for publication. In illustration of this, Mr. Curran told me himself, that his Lordship had produced a most beautiful poetic translation of Horace's celebrated Ode, commencing

" Integer vitæ, scelerisque purus."

This translation was the admiration of every one who heard it, but it existed alone in the memory of its author, who never could be prevailed upon to give a copy of it. Curran, one day after dinner, got him to recite it —he then solicited its repetition, but Lord Avonmore saw Curran taking out his pencil for the purpose of reducing it to writing, and no one afterwards ever heard it from his lips! It is remarkable enough, that Mr. Curran, who never failed to descant indignantly upon this negligence in Lord Avonmore, was himself withheld by the very same feeling from giving even a correct copy of his speeches to the world. It was not the fault of, at least, his present humble biographer. I had hoped by repeated solicitations to have made my country my debtor, by inducing him to the undertaking—but, when I urged, he promised, and day after day rolled away over entreaty renewed, and performance deferred; until death terminated the fatal procrastination. I am indebted to the kindness of a friend, who noted it down at the moment, for the following happy illustration, by Lord Avonmore, of the labours of Sir Wil-

liam Blackstone, a celebrated commentator on the laws of England. "He it was," said he, "who first gave to the law the air of science. He found it a skeleton, and he clothed it with life, colour, and complexion—he embraced the cold statue, and by his touch it grew into youth, and health, and beauty." This was thrown carelessly off by him at the moment, and if report be true, he scarcely ever spoke without uttering something equally worthy of being remembered. There could not be found a more appropriate motto to prefix to the Commentaries, than the compendious eulogium of the brother judge. There was only one period of Lord Avonmore's life, upon which his friends could not reflect with complacency. This was the disastrous period of the Union; a measure, for their traitorous support of which, the public will hear with horror, many delinquent members of that suicidal Parliament are in the face of day openly claiming performance of the reversionary promises of Government! Yet the man who demanded a reform in that day, fared no better than the perhaps equally justifiable mal-content of the present! It may may be, that the vote which he unfortunately gave upon that occasion was the result of his

honest conviction, however it was too true that a very lucrative office was the consequence of it. Mr. O'Regan attributes to Curran the following exquisite sarcasm on the subject. When the draft of the patent was sent to Lord Avonmore for his approbation, he called into his study a few friends, and amongst the rest Mr. Curran, to see if all was right. The wording ran in the usual form:—"To all to whom these letters patent shall come, greeting — We of the *United* Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c." Mr. Curran, when the reader came to this part, exclaimed — "Stop, stop!" — "Why should he stop, Sir?" said Lord Avonmore. "Why, because it strikes me, my Lord, that the *consideration* is set out too early in the deed."—His learned biographer is mistaken in his attribution of this bon mot, which is only one of a great many equally happy, uttered by Mr. Keller. The truth is, Mr. Curran and Lord Avonmore were not on terms even of common courtesy at the time; and it is not likely that the one would have solicited advice, or the other have hazarded a witticism, with such a man on so odious an

occasion. Previous to the Union some unfortunate difference had interrupted the friendship which commenced with their infancy, and grew with their growth; and it was not until the year 1805, that a reconciliation was effected between them. When friends really separate, the re-union is most difficult. The cause of the reconciliation is creditable to them both, and cannot fail to interest the reader, because it originated the following most beautiful picture of his friend, drawn by the hand of Curran in direct reference to the little convivial society which introduced his mention. On the memorable cause of the King *v.* Mr. Justice Johnston, in the Court of Exchequer, when Curran came to be heard, after alluding to a previous decision in the King's Bench against his client, he thus pathetically appealed to Lord Avonmore:—

I am not ignorant, my Lords, that this extraordinary construction has received the sanction of another court, nor of the surprise and dismay with which it smote upon the general heart of the bar. I am aware, that I may have the mortification of being told in another country of that unhappy

decision; and I foresee in what confusion I shall hang down my head, when I am told it. But I cherish too the consolatory hope, that I shall be able to tell them, that I had *an old and learned friend*, whom I would put above all the sweepings of their hall, who was of a different opinion; who had derived his ideas of civil liberty from the purest fountains of Athens and of Rome—who had fed the youthful vigour of his studious mind with the theoretic knowledge of their wisest philosophers and statesmen; and who had refined that theory into the quick and exquisite sensibility of moral instinct, by contemplating the practice of their most illustrious examples — by dwelling on the sweet-souled piety of Cimon; on the anticipated Christianity of Socrates; on the gallant and pathetic patriotism of Epaminondas; on that pure austerity of Fabricius, whom to move from his integrity would have been more difficult than to have pushed the sun from his course. I would add, that, if he had seemed to hesitate, it was but for a moment; that his hesitation was like the passing cloud that floats across the morning sun, and hides it from the view, and does so for a moment hide it by involving the spectator without even approaching the face of the luminary; and this soothing hope I draw from the dearest and tenderest recollections of my life, from the remembrance of those *attic nights* and those *refections of*

the gods, which we have spent with those admired and respected and beloved companions who have gone before us—over whose ashes the most precious tears of Ireland have been shed: yes, my good Lord, *I see you do not forget them*—I see their sacred forms passing in sad review before your memory—I see your pained and softened fancy, recalling those happy meetings when the innocent enjoyment of social mirth expanded into the nobler warmth of social virtue, and the horizon of the board became enlarged into the horizon of man;—when the swelling heart conceived and communicated the pure and generous purpose—when my slenderer and younger taper imbibed its borrowed light from the more matured and redundant fountain of yours. Yes, my Lord, we can remember those nights with no other regret than that they can return no more, for,

> "We spent them not in toys; or lust, or wine,
> But search of deep philosophy,
> Wit, eloquence, and poesy—
> Arts which I loved; for they, my friend, were thine."

But, my Lords, to return to a subject, from which to have thus far departed, I think may not be wholly without excuse."

He then proceeded to reconsider the legal argument in the midst of which this most

beautiful episode bloomed like a green spot amid the desert.

Mr. Curran told me himself, that when the court rose, the tipstaff informed him he was wanted immediately in chamber by one of the judges of the Exchequer. He of course obeyed the judicial mandate, and the moment he entered, poor Lord Avonmore, whose cheeks were still wet with the tears extorted by this heart-touching appeal, clasped him to his bosom, and from that moment every cause of difference was obliterated.

A curious and very characteristic anecdote of Lord Avonmore, illustrative of his extreme sensitiveness upon classical subjects, was related to me by a gentleman of high authority. *Mr. Plunket*, who in the English senate has added another leaf to the laurels of the Irish bar, had appealed once from one of the college elections, and the examination of Lord Avonmore became indispensable. It was necessary for the witness frequently to make use of the term *testimonium*; which, in the plural, he invariably called *testimoniums*. Mr. Plunket, who intended to publish the evi-

dence, and was particularly anxious to have it what he thought correct, asked his Lordship whether he had any objection to have the phrase *testimoniums* taken down *testimonia*. "O, not the least, Sir," answered the offended scholar, "provided in your opinion it is *better English*."

Another member of the Monks of the Screw, of whom Curran invariably spoke in terms of great kindness, was MR. JOHN EGAN, chairman of Kilmainham: he was a very striking instance of the fickleness of public taste and the mutability of professional fortune. During the chiefship of Lord Avonmore, *Bully* Egan, as from his size and his swagger he was universally denominated, was to be seen every Nisi Prius day bending beneath the weight of his record bag, and occasionally laying his wig on the table, that he might *air his head* during the intervals of his exertions. He was an immense-sized man, as brawny and almost as black as a coal-porter. "Did you ever see," said he, striking his bosom triumphantly, "did you ever see such a *chest* as that?"—"A *trunk* you mean, my dear Egan," answered Cur-

ran good-humouredly, who was a mere pigmy in the comparison.

In an election for the borough of Tallagh, Egan was an unsuccessful candidate—he, however, appealed from the decision, and the appeal came of course before a committee of the House of Commons. It was in the heat of a very warm summer, Egan was struggling through the crowd, his handkerchief in one hand, his wig in the other, and his whole countenance raging like the dogstar, when he met Curran—"I'm sorry for you, my dear fellow," said Curran.—"Sorry! why so, Jack—why so?—I'm perfectly at my ease."—"Alas, Egan, it's but too visible to every one that you're losing *tallow (Tallagh)* fast."

During the temporary separation of Lord Avonmore and Curran, Egan, either wishing to pay his court to the Chief Baron, or really supposing that Curran meant to be offensive, espoused the Judge's imaginary quarrel so bitterly, that a duel between the barristers was the consequence. They met, and on the ground, Egan complained bitterly that

the disparity in their sizes gave his antagonist a manifest advantage. "I might as well fire at a razor's edge as at him," said Egan, "and he may hit me as easily as a turf-stack."—"I'll tell you what, Mr. Egan," replied Curran, his pistol in his hand, and Egan scowling at him under brows that rivalled Lord Thurlow's; "I wish to take no advantage of you whatever—let my size be *chalked* out upon your side, and I am quite content that every shot which hits outside that mark should *go for nothing*."—It will readily be believed that such a contest was not very deadly; and although the combatants fired at one another, the shots were too aimless to produce much injury. Very different, however, in its consequences to him, was his equally bloodless, but at least professionally much more fatal contest with Mr. Grattan, of the cause and progress of which, the following account is given in the parliamentary history of the day.

"*Mr. Grattan.*—Another honourable member was pleased to say much to the prejudice of my Lord Fitzwilliam's administration: to that I have only to answer, it was a little

unfortunate for the honourable gentleman's political consistency, that he did not much sooner discover the errors of that administration; which while in power was the object of his strenuous support, and the subject of his warm panegyric. At the same time that I am to thank him for the support, I would say the unsolicited support which he gave to that administration, no doubt from the purest motives, and without any view to patronage; for the honourable member is his own patron; I own I am not much surprised at his language. The honourable member has said a great deal of the bad intentions by which he says I and my friends are actuated, in a style of moderation peculiar to himself; to be sure he has odd methods of making the House laugh. He has talked much of French principles and of insurrection, and I believe amongst other things said something of cutting off my head, and this in a manner so peculiarly his own, in the fury and whirlwind of his passion, that though I did not actually behold the *guillotine* of which he spoke, I certainly thought I saw the *executioner*.

"Mr. Egan.—As I am attacked in this way, I will show the right honourable gentleman and his friends, that I do not want *bottom* to retort such attacks—I will teach them that *no little duodecimo volume of abuse* shall discharge its rancorous contents against my person or my character, without meeting the treatment it deserves. I will have the member also to know, that no part of the support which I gave to Lord Fitzwilliam's administration was directed to him—I disdained to make him the idol of my adoration, and shunned his intimacy even when he was in the zenith of his power, and strutted in pigmy consequence about the Castle. I believed Lord Fitzwilliam to be a nobleman of the purest intentions, and acting on that opinion, did vote in support of his administration, but I soon saw he was made the dupe of a family compact, and the tool of little men who sought to swell themselves into importance, and Colossus-like bestride the country; while the gentlemanhood of Ireland was to be haughtily excluded from the court of the Viceroy. I have no party views—no ambition to gratify—no selfish object in supporting the present administration—no promises

or expectations from them; and though it is too true that I was occasionally duped into voting with the *seven wise men* opposite (the opposition was then reduced to seven), yet, with more experience, I perceived their conduct was the mere result of disappointed party—the mere malevolence of defeated ambition. The right honourable member owes to the liberality of his country, and a vote in this House, the means of his independence, (alluding to the vote of 50,000*l.* to Mr. Grattan, by the Irish Parliament), and I, when a *boy*, and not in this House, rejoiced at the measure, because I thought he deserved it; but when I reflect on the acrimony and inflammation he has since poured out on the popular mind—when I reflect on the irreparable mischief his doctrines have created—when I see that he has betrayed the country as a victim to his own disappointed ambition, I should not be surprised, if, when he reclined upon his pillow, his imagination, like Macbeth's, should be scared with the ghosts of the unfortunate persons whose lives had been the sacrifice, passing before him in melancholy procession.

"Mr. Grattan—(with an air of much *good humour.)* I beg pardon for again trespassing on the House at so late an hour; but what has fallen from the honourable member renders it necessary I should set his feelings right in reference to what I said. I spoke in mere *pleasantry*, and thought the House received it in a good-humoured way; but the honourable gentleman seems to have taken it up with a fury peculiar to himself, and with that sort of *swagger*, which, give me leave to say, is not in my mind an indication of either talents or spirit. If he means to use that sort of swaggering by way of intimidation, give me leave to tell him he is mistaken in its application—it is a bad substitute for abilities, and at best but a very suspicious indication of courage—it is like the artifice of a timid bully endeavouring to frighten away fear—I have read somewhere in some poet, that

An angry fool 's a very harmless thing—

I really think so, and I consider the rage of the honourable member as perfectly *innocent.* He says no man shall allude to him with impunity. Why, I have no wish to go out

of my road to allude to the honourable member, but, if he will throw himself across my way, I have no objection to tread on him. If, however, he imagines that any thing like vulgar ruffianism or paroxysms of fury are to intimidate, he will find himself mistaken; for the manner of that ruffianism, the folly of those paroxysms, and the blockheadism of that fury, are too ridiculous to excite serious notice—I smile at them. The honourable member in his contorsions presented to my mind the idea of a *black soul writhing in torments*—and his language very forcibly associated with the idea of a certain description of the fair sex, whom in manner and in dialect he seems zealously to assimilate. As to the menaces of the honourable member to disclose any confidence he ever enjoyed from me, I feel them in the sort of disregard they merit, and I answer in the words of the poet—

> 'There is no terror, Cassius, in your threats;
> For I am armed so strong in honesty,
> That they pass by me as the idle wind,
> Which I regard not.'"

Here, apparently at least, the personal animosity subsided. However, Mr. Grattan was at that time most deservedly the idol of the

Irish people, who, in any contest either personal or political, never failed to enlist themselves as his auxiliaries. It would be very difficult, one would imagine, to elicit any thing of the ridiculous out of the envenomed warfare we have just recited. Sombre, however, must be the subject from which the Irish people cannot extract a laugh. Egan was then a circuit barrister in good business. After this dispute with Mr. Grattan, there was not a waiter in any considerable town upon his circuit, whose first question to the passenger on his entrance to the hotel was not invariably—"Sir, would your honour dine—you can have any fish your honour pleases—perhaps, your honour would perfer an EGAN."—"An *Egan*, friend, what's an *Egan?*" — "Lord, Sir, I thought Mr. Grattan told every one what an *Egan* was. It is a *black soul* (sole) fryed."—The result of all this was, that wherever poor Egan went he was associated with the idea of a *black sole*. Few men can encounter successfully continual ridicule — his business gradually declined—the death of his friend the Chief Baron gave it the finishing blow, and when he died, his entire stock in trade consisted of

three shillings found upon his chimney-piece! However, he has left a memory behind him which men more fortunate in life may envy. With talents far above mediocrity, a good heart and a high spirit, he passed through the world beloved by his friends, and his last political act must command the respect even of his enemies. He was, as we have seen, far from independence. Almost his only wealth was the chairmanship of Kilmainham. He was in Parliament at the disastrous period of the Union—was threatened with ministerial displeasure if he opposed, and offered splendid remuneration if he supported the measure. As the debate proceeded, Egan was perceived writhing with some insuppressible emotion—at length, unable longer to contain himself, he sprang from the benches—unburdened his feelings in a most furious philippic, and sat down indignantly exclaiming—"Ireland!—Ireland for ever! *and damn Kilmainham!*" Poor Egan! who that remembered that honest but homely exclamation, would wish to say any thing to thy disadvantage? Alas!—many a titled traitor whose wealth is the wages of his conscience and the purchase-money of

his country, may envy him the three shillings on his chimney-piece. Had all acted with his honourable bluntness, Ireland would still have a name, and her inhabitants a country. "Let," said a little bagatelle published after his death—

"Let no man arraign him,
That knows, to save the realm, he *damned Kilmainham.*"

There were very few men whom I have heard Mr. Curran mention with more invariable affection than Egan. He seemed literally to blend the memory of him and Lord Avonmore in a kind of posthumous communion. They were the two members of the Monks of the Screw whom he appeared most gratified in remembering, and therefore it is that I have endeavoured even with a feeble fidelity to sketch them for the reader. There were many others well worthy of being noticed—"men over whose ashes the best tears of Ireland have been shed," and whose names will live in the hearts of posterity while wit, eloquence, and patriotism are dear to mankind. This little society continued its sittings for many years, and here it was that the eloquence of the senate, the learning of the

bar, and the labour of the study, delighted to unbend themselves. Many of its members had, however, been bound together as much by the recollection of their boyish days, as by the more serious avocations of their manhood—the enrolment of those not endeared by that remote and delightful association was little encouraged—years thinned, one by one, the original community, which gradually died away, and has now only a traditional existence in these perishable pages.

The earliest speech of Mr. Curran which I have been able to discover, even tolerably reported, and which is not to be found in the published collection, is the following one in the case of "Egan against Kindillan" for seduction, tried before Lord Avonmore. It was a case of a very singular nature. Miss Egan was a young lady of some accomplishments and great personal beauty. Mr. Kindillan was then a dashing young officer in a dragoon regiment, nearly related to the late Lord Belvidere. The reader will find the principal circumstances of the trial detailed indignantly in Mr. Curran's speech; but it is necessary to apprise him that Kindillan was

first vindictively prosecuted for the offence in a criminal court, and escaped through the great exertions and genius of his immortal advocate, who, however, in the civil action, was only able to mitigate the damages down to 500*l*. After the plaintiff had gone through his case, Mr. CURRAN proceeded—

MY LORD, AND GENTLEMEN OF THE JURY,

I am in this case counsel for the defendant. Every action to be tried by a jury, must be founded in principles of law:—of that, however, the court only can determine, and upon the judgment of the court, you, gentlemen, may repose with great confidence. The foundation of this action is built upon this principle of law, and this only, that the plaintiff suffered special damage by losing the service of his daughter, who has been taken away from him: for you, gentlemen, will err egregiously, and the court will tell you so, if you imagine that the law has given any retribution by way of damages, for all the agony which the father may suffer from the seduction of his child—however, I do not mean to make light of the feelings of a parent—he would be a strange character, and little deserving the attention of a court, who could act in that manner; to see his grey hairs brought with calamity to the grave, and yet hold him out as a subject of levity or con-

tempt. I do no such thing—but I tell you soberly and quietly, that, whatever his feelings may be, it is a kind of misery, for which the law does not provide any remedy. No action lies for debauching or seducing a daughter; but only for the loss of her service—at the same time, over and over again, that the only ground is the special circumstance of the loss of her service—at the same time, gentlemen, I agree implicitly in the idea of letting the case go at large to you. In every injury, which one man sustains from another, it is right to let all circumstances, which either aggravate or diminish the weight of it, go to the jury. This case has been stated in evidence by two persons. Miss Egan has told, I think, the most extraordinary story—

Lord Chief Baron.—The most artless story I ever heard.

Mr. Curran.—I do not allude to her credit; I only say I never heard so extraordinary a story—because I never heard of an instance of a young woman, decently bred, arrived at eighteen, going away with a man, after a single conversation; having no previous acquaintance, no express promise; abandoning her father's house, protection, and care, after two conversations in which there was not one word of marriage, without a previous opportunity of engagement: without a possibility of engaging her affections or seducing her from her

father, she embraces the first opportunity which was given to her; therefore, indeed, I am astonished. I said, gentlemen, the case ought rightly to go before you—I tell you why—circumstances which compose the enormity of an offence of this kind, can be judged by you.—If you receive a man into your house, give him access to any female in your family, and he converts that privilege to abuse her virtue, I know nothing of greater enormity.—If you admit a man to your house and your table, and he avails himself of that confidence to abuse the virtue of your daughter or your wife; I know of no length to which the just indignation of a jury might not be carried. But if there be no such criminality on the part of the defendant? if he was rather the follower than the mover of the transaction? His conduct may be palliated, it cannot be condemned. Look at this case even as stated by the witness herself—who was the seducer? Mr. Kindillan! Where was the single act to inspire her with a single hope, that he intended to marry her? Why steal away from her father's house, why go to a public inn, at a common sea-port, even at that age, and with that degree of understanding you see her possess? She confesses she suspected there was no design of marriage; that at Aungier Street he spent a night with her, and no design of marriage; they cohabited week after week, and no conversation of

marriage till they leave their mother country, and arrive at the Isle of Man—and then from whom does it move? not from her who might have talked even with a degree of pride, if she thought he took her away from her father:—"You have robbed me of a father, under the promise of becoming my husband—give me that protector!" No: you find it moving from him, from his apprehension of her dissatisfaction, if you can believe that. What kind of education must she have received?—She throws herself into the arms of the first officer she ever saw; flies into an hackney-coach, and goes to another country, and never talks of marriage till she arrives there!—To talk of the loss of a father is a very invidious subject; every father must feel an argument of that kind.—But it is not because that one man suffers, another must pay. It is in proportion to his own guilt that he must be punished, and therefore it is that the law denies the right of the father to receive compensation. It is an injury which can rarely arise, when the father has discharged the precedent part of his duty. It is wise, therefore, that the law should refuse its sanction to an action of that sort, because it calls upon the father to guard against that event for which he knows he can have no reparation. It guards more against the injury by discountenancing the neglect which may give it birth; it refuses a compensation to reward his own breach of duty. Only see what

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would be the consequence if the law gave its sanction to an action of this sort. This man is in the army.—I am not here to preach about morals, I am talking to men who may recollect that human nature is not more perfect than it is, but who must take men as they are. This man goes to a watering-place; he sees this young woman, full of giddiness and levity; no vice possibly, but certainly not excusable in any female—see how she conducts herself—"Have you considered the proposals?"—"No," says she; "our acquaintance is too short:"—but the second conversation, and she is gone. How would any of you, gentlemen, think of your child, if she picked up a young buck whom she never saw before? what would your wife say, if she was told her daughter had picked up a man she did not know? But you know mankind, you know the world. What would you think of a woman, unmarried, who held a conversation on these terms? If at Philipsbourgh you addressed a young woman, with whom not a word of marriage passed, and yet she accompanied you without hesitation—would you suppose her a girl of family and education, or would you not rather suppose her to be one of those unfortunate, uneducated creatures, with whom a conversation very different from that of marriage takes place? This then is the situation of the defendant; he yields more seduced than seducing. It is upon this the father calls to you for damages!—For an injury committed—by whom?

from what cause?—From the indiscreet behaviour, the defective education, and neglected mind of his daughter. He can have no feeling, or he would not have exposed both her and himself; or, if he has any feelings, they are such as can be gratified by you, gentlemen of the jury, they are such as can be calmed by money!—He can find more enjoyment in pecuniary compensation, than in other species of retribution!—I speak harshly, I am obliged to do so, I feel it: it is to be decided by you with liberality and justice between such a father and the defendant. I am stating these things, supposing you believe her. Her story is well delivered, it would be extraordinary if it was not, when it has been so often repeated. The defendant was tried for his life, and twelve men upon their oaths acquitted him of the charge; though the fact was sworn to by her. Her sufferings and her beauty may make an impression upon your minds; but, gentlemen, you are not come here to pity, but to give a verdict; not from passion, but which may be the calm result of deliberation between party and party.—There is a kind of false determination of mind, which makes dupes of judicial men upon cases which involve more sentiment than speculation. If you can feel any such sensation in your minds, glowing and heating to a degree of violence in which reason may be consumed, let me entreat you to guard against its falling upon the head which

ought not to suffer. We are not to determine by zeal, but judge by discretion. It is not her tears, her heavings, her sighs, that must influence your sentence. She has been brought up a second time by her father, and exhibited before you, the unhappy object of vice and of wantonness. She has thus been exhibited by that father, whose feelings are represented as so tender; an exhibition which ought to have been avoided by a sincere parent. But let me expose the silly trap, that you may not be the dupes of such artifice. It was a simple case; it could have been proved without her testimony; the leaving her father's house could have been proved by many; and of the finding her in the defendant's possession, there was sufficient evidence, and the service could be proved as well by any person as herself. But the circumstances are proper for consideration: give me leave to say, there are no circumstances more proper for consideration than the motives of the man who brings the action; what his conduct was, appears by her own evidence: she goes away with a man, he is seized and called upon to marry her, under the terror of a prosecution for his life; a species of inducement, such as never was heard of. Let it not be told, that a case of this kind, that the unsolicited elopement of a young unfortunate woman yielding to criminal desires, going off with an officer upon a first acquaintance, is an example to be held up by

a court and jury, or to be sanctioned by a verdict; that a loose girl coming back from the cloyed appetite of her paramour, should welcome her return to her father's house by the golden showers of compensation. If you wish to hold up examples to justify elopements of your children, establish it by your verdict! and be answerable for the consequence; you will resolve yourselves into a fund for unportioned wantons, whose fathers will draw upon you for fortunes; you will establish an example. I am not ashamed to be warm—I do not sell my warmth, though I may my talents; but give me leave to tell you that an example of this kind, where no abuse of confidence can be pleaded, no treachery alleged, would go thus far, that every miserable female, who parades about your streets, in order to make a miserable livelihood by the prostitution of her person, will come forward under the imposing character of a witness, because there is scarce any of them who has not a father that may bring an action. Let me warn you against another case: you will establish an example by which the needy father is encouraged, first, to force the man into marriage under the apprehension of a prosecution, or afterwards to compel him from the dread of a verdict, unless you think that the man could be reconciled to marry a girl he is tired of, and who has added perjury to the rest of her conduct. It is hard to talk of perjury; but how

will they answer for the verdict of twelve honest men upon their oaths? Impeach her credit, because she is swearing this day to the fact in opposition to the verdict of twelve men—she swore to it upon the prosecution, because of terror from her father, expecting to receive death from his hands, unless she warded it off by perjury. Have you not heard her swear that he forced her into the King's Bench, with a knife in his hand? After he has failed to effect the life of the defendant, he makes a desperate attempt at his property, through the means of a jury—is this a case for a jury?—She goes off unsolicited, she seeks the opportunity, and yet Mr. Kindillan is to be the victim! A young man who meets a woman, goes to a tavern, and indulges his appetites at the expense of the peace, quietness, and happiness of a family, you may wish to see reformed; but be he whose son he may, he cannot be punished in this way for such conduct. Will you lay your hands on your hearts and say, whether the defendant has been more to blame than Miss Egan herself? She has suffered much, her evidence shows it; at first from her terror of her father, now in preserving her consistency; to see her exposed as she was on the table—but has the defendant suffered nothing? Is it suffering nothing to be put in fear of his life? to have the horrors of a prison to encounter? Is it nothing, what he must have suffered in point of property? He comes now, to

resist this last attempt, after all the others, to drive him, by robbing him of his property, to marry the daughter. Would you, gentlemen, advise your sons to marry under such circumstances? I put it boldly to you, answer it, and your answer will be your verdict. After ten weeks' voluntary cohabitation, would you advise him to marry? or would you ensure a reasonable prospect of conjugal fidelity afterwards? Let me not take up your time; we will call witnesses to discredit what she has sworn; let me say in excuse for her, for what she said upon her oath, that she came forward under the terror of her father's power. Certain it is, that a sense of female honour should not have more influence upon her when in the other court, where she was vindicating herself, than here where she comes to drop money into her father's pocket.—The consequence of large damages is this: you will encourage every man to neglect the education of his child; making a fortune by dropping a seed of immorality in the mind of the female, which may ripen into that tree of enormity, that will be cut down, not to be cast into the fire, but for the father's benefit. A girl of eighteen, whose father forced her upon this table, whose sufferings have been brought upon her by the leprosy of her morals, is not to be countenanced. If you wish to point out the path to matrimony through dishonour, and you think it better that your daughter should be led to the

altar from the brothel, than from the parents' arms, you may establish that by your verdict. If you think it better to let the unfortunate author of her own misery, benefit by the example she may hold up, you will do it by such a verdict as your understanding, not your passion, dictates.

An important æra had now arrived in Mr. Curran's life—his entrance into Parliament. The Irish bar was at that time the nursery of the Irish senate, and every young man, who, without money enough to remunerate, had talents to interest the patron of a borough, might generally calculate on a seat in the House of Commons. There he had the noblest constitutional field on which to display his attainments and his eloquence; an imperishable fame was his reward, and an applauding people were his auditors. There was scarcely a name of any eminence at the Irish bar which was not also enrolled in the annals of Parliament. In proof of this I need only mention Hutchinson, Burgh, Duquery, Flood, Fitzgibbon, Scott, Grattan, Yelverton, concentrated in one grand and glowing constellation. Many of these characters must undoubtedly be mentioned by the lover of

this country with very varied and opposite sensations; but to none of them, I apprehend, can the meed of superior talent with justice be denied. The period of Mr. Curran's first return to Parliament was in 1783, during the administration of Lord Northington. He was elected for the borough of Kilbeggan, his associate in which was the illustrious Henry Flood, and with him he joined the opposition. There is something peculiarly creditable to him in the circumstances attending this election. Lord Longueville, who was the proprietor of the borough, returned Curran under an idea of his own, that a barrister, with a growing family, and totally dependent on his profession for subsistence, would scarcely suffer his principles to interfere with his interest. I am afraid the annals of parliamentary life will be found in but too many instances to countenance his Lordship in this humiliating supposition. However, in Curran the rule found a stubborn exception: on the very first question he not only voted against his patron, but, by at least an energetic speech, proved the total fallacy of all his anticipations. Lord Longueville of course warmly remon-

strated; but what was his astonishment to find Curran not only persevering in his independent opinions, but even appropriating the only five hundred pounds he had in the world to the purchase of a seat, which he insisted on transferring as an equivalent for that of Kilbeggan! To those, however, who knew him intimately, this conduct will not appear surprising, for, next to his high-toned political independence, he preserved the most rigid principles of honour in every pecuniary transaction. No man would with more cheerfulness have expended his last shilling in discharging what he considered as a just pecuniary obligation. His enemies have certainly, amongst many other calumnies, imputed parsimony to him; but the above anecdote, well authenticated, refutes the accusation; and those who have struggled as he did, not merely for fortune but for bread, will easily excuse him for not squandering with an unprincipled prodigality the very moderate independence he so hardly earned.

The dissolution of the *Coalition Ministry* terminated Lord Northington's short administration, and he was succeeded in Ire-

land by the young and dissipated Duke of Rutland. The session of 1783, in which Curran was introduced into the Irish Parliament, was rendered memorable by a bitter contest between his colleague Mr. Flood, and Mr. Grattan, then the rival candidates for popularity, and each heading very powerful parties. The incident is almost unique in parliamentary history; and as the English reader is doubtless unacquainted with it, I shall transcribe it as I have found it in the debates of the day. It exhibits the fierce collision of two very extraordinaay men in the highest possible state of exasperation; and if an English senator should shrink from such personalities uttered in the very temple of legislation, he must recollect that even the more temperate regulations of the British House could not restrain the personal antipathies of Mr. Pitt and Mr. Tierney, Mr. Adam and Mr. Fox. It occurred on the evening of the 28th of October 1783, during a debate occasioned by the motion of Sir Henry Cavendish, on the necessity of retrenchment. Mr. Flood, in speaking to the question, had apologized to the House for any deficiencies, in consequence of his alleged

indisposition; and shortly after, Mr. Grattan, doubtlessly offended at some expressions in his speech, commenced as follows:

I shall not trouble you long, nor take up the time of the House, by apologizing for bodily infirmity, or the affectation of infirmity. I shall not speak of myself, or enter into a defence of my character, having never apostatized. I think it is not necessary for the House to investigate what we know to be fact. I think it would be better to go into the business, as the House did upon another occasion, without waiting the formality of the Committee's Report. As to myself, the honourable reward that a grateful nation has bestowed upon me, for ever binds me to make every return in my power, and particularly to oppose every unnecessary expense. I am far from thinking with the honourable gentleman, as to the speech, and I believe he will find instances where economy has been recommended from the Throne, but prodigality practised. This was the case in Lord Harcourt's administration, an administration which had the support of the honourable gentleman, and therefore he, of all men, cannot be at a loss to reject that illusory economy which has appeared so often in the speeches of Lord Lieutenants. With respect to the Genevese, I never could have thought it possible to give the speech such a bias as has been

mentioned, and that people will be deceived, if they give credit to any declamation that infers from the words of the speech, any thing but an honest economy in applying the public money fairly to their use.

The nation has derived great honour from this transaction, and I would be sorry to have it tarnished by inference and insinuation. In 1771, when the burdens of the country were comparatively small, I made a motion similar to this; the honourable gentleman then opposed me. I have his sanction now, that I was right, and he was wrong; and I say this, that though gentlemen may for a while vote against retrenchments, they will see at last the necessity of them. Yet while I think retrenchment absolutely necessary, I am not very sure that it is just the time to make it in the army,—now when England has acted justly, I will not say generously,—now when she has lost her empire—when she still feels the wounds of the last unhappy war, and comforts herself only with the faithful friendship of Ireland.

If in 1769, when the liberties of Ireland were denied, and those of America in danger, it was thought unadviseable to retrench our army, there can be no such reason to reduce it now, when both are acknowledged and confirmed. When we voted 4000 men to butcher our men in America, the honourable gentleman should have opposed that

vote; but perhaps he will be able to explain the propriety of sending 4000 Irishmen thither. But why not look for retrenchment in the revenue and other departments?

In my mind, the proper mode would be, to form a fair estimate of what would be a reasonable peace establishment, and reduce our several departments to it.

Mr. Flood.—The right honourable member can have no doubt of the propriety of my saying a word in reply to what he has delivered; every member of the House can bear witness of the infirmity I mentioned, and, therefore, it required but little candour to make a nocturnal attack upon that infirmity; but I am not afraid of the right honourable member. I will meet him any where, or upon any ground, by night or by day.—I should stand poorly in my own estimation, and in my country's opinion, if I did not rank far above him.—I do not come here dressed in a rich wardrobe of words to delude the people.—I am not one who has promised repeatedly to bring in a bill of rights, yet does not bring in that bill, or permit any other person to do it.—I am not one who threatened to impeach the Chief Justice of the King's Bench for acting under an English law, and afterwards shrunk from that business.—I am not the author of the simple repeal.—I am not one who, after saying the Parliament was a Parliament of

prostitutes, endeavoured to make their voices subservient to my interest.—I am not one who would come at midnight, and attempt by a vote of this House to stifle the voice of the people, which my egregious folly had raised against me.—I am not the gentleman who subsists upon your accounts.—I am not the mendicant patriot, who was bought by my country for a sum of money, and then sold my country for prompt payment.—I am not the man who in this House loudly complained of an infringment made by England, in including Ireland in a bill, and then sent a certificate to Dungannon that Ireland was not included.—I never was bought by the people, nor never sold them: the gentleman says, he never apostatized, but I say I never changed my principles; let every man say the same, and let the people believe them if they can. But if it be so bad a thing to take an office in the state, how comes the gentleman connected with persons in office? They, I hope, are men of virtue, or how came the gentleman so closely connected with Colonel Fitzpatrick: I object to no man for being in office; a patriot in office is the more a patriot for being there. There was a time when the glories of the great Duke of Marlborough shrank and withered before those of the right honourable gentleman; when palaces superior to the Blenheim were to be built for his reception; when pyramids and pillars were to be

raised, and adorned with emblems and inscriptions sacred to his virtue: but the pillars and pyramids are now sunk, though then the great Earl of Chatham was held inferior to him; however, he is still so great that the Queen of France, I dare say, will have a song made on the name of Grattan. Lord Harcourt practised economy—but what was the economy of the Duke of Portland? 100,000*l.* was voted to raise 20,000 seamen, though it was well known that one third of that number could not be raised—and what was the application of the money? It was applied to the raising of the execrated fencibles. It is said, I supported Lord Harcourt's administration; it is true, but I never deserted my principles, but carried them into the cabinet with me. A gentleman, who now hears me, knows that I proposed to the privy council an Irish meeting bill, and that not with a view of any parliamentary grant. I supported an absentee tax; and while I was in office, registered my principles in the books of government; and the moment I could not influence government to the advantage of the nation, I ceased to act with them. I acted for myself—I was the first who ever told them that an Irish meeting bill must be granted. If this country is now satisfied, is it owing to that gentleman? No, the simple repeal, disapproved and scouted by all the lawyers in England and in Ireland, shows to the contrary; and the only apo-

logy he can make is, that he is no lawyer at all. A man of warm imagination and brilliant fancy will sometimes be dazzled with his own ideas, and may for a moment fall into error; but a man of sound head could not make so egregious a mistake, and a man of an honest heart would not persist in it after it was discovered. I have now done—and give me leave to say, if the gentleman enters often into this kind of colloquy with me, he will not have much to boast of at the end of the session.

Mr. Grattan.—In respect to the House, I could wish to avoid personality, and return to the question, but I must request liberty to explain some circumstances alluded to by the honourable member. The honourable member has alluded to Sir Christopher's bill; I will declare the fact—he may tell a story—when I received a copy of that bill, it gave me much pain and much offence; I thought I saw the old intention of binding Ireland by English laws; I therefore spoke to that effect in this House, I also showed the bill to all the most able and virtuous men in this kingdom, who were of opinion that my suggestion was wrong; under this opinion I acquiesced, and the opinion has justified it: as to my coming at midnight to obtain a vote, imposing silence on the people, I deny it—it was mis-stated in the papers; my resolution was to declare this country free, and that any person who should speak or write to the contrary, was a public

enemy. All the House, all the revered and respected characters in the kingdom heard me, and know what I say is true. But it is not the slander of the bad tongue of a bad character that can defame me; I maintain my reputation in public and in private life; no man who has not a bad character can say I ever deceived him, no country has ever called me cheat.

I will suppose a public character, a man not now in this house, but who formerly might have been here. I will suppose that it was his constant practice to abuse every man who differed from him, and to betray every man who trusted to him; I will suppose him active, I will begin from his cradle, and divide his life into three stages; in the first he was temperate, in the second corrupt, and in the third seditious. Suppose him a great egotist, his honour equal to his oath, and I will stop him and say, Sir, your talents are not great as your life is infamous; you were silent for years, and you were silent for money: when affairs of consequence to the nation were debating, you might be seen passing by these doors like a guilty spirit, just waiting for putting the question, that you might hop in and give your venal vote; or, at times, with a vulgar brogue, apeing the manner, and affecting the infirmities of Lord Chatham, or like a kettle-drummer, lather yourself into popularity to catch the vulgar; or you might be seen hovering over the dome like an

ill-omened bird of night, with sepulchral notes, a cadaverous aspect, and broken beak, ready to stoop and pounce upon your prey—you can be trusted by no man—the people cannot trust you—the ministers cannot trust you—you deal out the most impartial treachery to both—you tell the nation it is ruined by other men, while it is sold by you—you fled from the mutiny bill—you fled from the sugar bill—I therefore tell you in the face of your country, before all the world, and to your beard—you are not an honest man.

Mr. Flood.—I have heard a very extraordinary harangue indeed, and I challenge any man to say, that any thing half so unwarrantable was ever delivered in this House. The right honourable gentleman set out with declaring, he did not wish to use personality, and no sooner has he opened his mouth, than forth issues all that venom that ingenuity and disappointed vanity, for two years brooding over corruption, has produced—but it cannot taint my public character; four and twenty years employed in your service has established that; and as to my private, let that be learned from my tenants, from my friends, from those under my own roof—to those I appeal; and this appeal I boldly make, with utter contempt of insinuations, false as they are illiberal. The whole force of what has been said, rests upon this, that I once accepted

office, and this is called apostacy; but is a man the less a patriot, for being an honest servant of the crown? As to me, I took as great a part with the first office of the state at my back, as ever the right honourable gentleman did with mendicancy behind him.

Mr. Flood proceeded to defend his character, when, at a pause, the Speaker took the opportunity to interfere, and with the utmost politeness, and in the kindest manner, entreated him to forbear, declaring that he suffered inexpressible pain during this contest, and that nothing but the calls of the House to hear the two members could have made him sit so long silent. He again besought Mr. Flood to sit down, and the House joined with the chair; that gentleman, after sundry efforts to speak, was obliged to desist, and soon after retired. Mr. Grattan instantly followed, but the two members were soon after arrested on the Speaker's writ, and fortunately no personal consequences ensued. In a few nights afterwards, however, Mr. Flood resumed the subject in his own vindication, and in a most splendid speech detailed and justified his political history. Mr.

Grattan rose to reply, but the entire House, *una voce*, interfered, and the dispute was most properly set at rest for ever.

Mr. Grattan's political principles were strictly those of Mr. Curran, and the only measure which I ever heard him condemn in his friend's conduct, was his support of the odious insurrection bill in 1807. He certainly loved him in his heart, and to the day of his death their intimacy was undiminished. Curran's sketch of any one was almost equivalent to an intimacy. He was an admirable mimic, and I have often heard him both act and relate the following anecdote of Mr. Grattan's simplicity; a characteristic, the frequent, and indeed the natural accompaniment of true genius. One day, he and Mr. Duquery, an eminent barrister, dined with Mr. Curran at the Priory. The water at table was the theme of panegyric, and Duquery said it was the best he ever tasted. The next morning Mr. Grattan was missed at the breakfast table—in a few minutes, however, he entered the parlour quite out of breath—his hat off—his hair dishevelled, and a tumbler of water in his hand—"Curran—

when Duquery said last night that the water here was the best he ever tasted, I did not choose to contradict him, because the water might have been kept, and I might have done it an injustice: but I have now satisfied myself—here it is, taken fresh out of the well with my own hand, and its not to be compared to the water at Tinnehinch!"—"I declare," added Curran, "he was so serious, you would have thought that the character of his pump involved that of his country."—It is much to be regretted that his table etching of Mr. Flood was lost. He never spoke of him except in terms almost amounting to adoration, and indeed his great rival in the Irish Parliament did justice to his memory after his departure. "On a trifling subject," said Mr. Grattan, "he was miserable—put into his hands the distaff and he made sad work of it, but give him the thunderbolt and he wielded it with the arm of Jupiter." It was in this same pamphlet that, alluding to Mr. Flood's temporary migration to the English senate, he said, he was an *oak of the forest* too old to be transplanted at fifty. Mr. Flood did not certainly succeed in the British senate at all in pro-

portion to his Irish reputation, but there were many reasons for it, quite independent of any intellectual inferiority. He was greatly feared, and I have good reason to know that every engine was employed to depreciate him. Even the party with whom he acted, felt no very ardent sympathy in the success of a colleague who was notoriously so intractable, that there was no calculating at what moment a difference of opinion might induce him to abandon them on the most vital question. His defence of himself, when accused of political tergiversation, speaks his principles on the subject of party far more clearly than any other historian can pretend to do. "Lord Buckingham's administration," said he, "succeeded.—With regard to Lord Harcourt's administration, the objection is, that I did too much—the charge with regard to the other is, I did too little for it; these two accusations running in contrary directions, like a double poison, each may cure the operation of the other: but the fact is this; I acted not upon visions and imaginations, but on sound common sense, the best gift of God to man, which then told me, and still whispers, that some administrations deserve a

more active support than others.—I did not run headlong against Government at one time, and with it at another, but adapted my conduct, as I ought to do, to what I saw and felt. I felt myself a man of too much consequence to be a mere placeman. If not a minister to serve my country, I would not be the *tool of salary*. What was the consequence? I voted with them in matters of importance when they were clearly right—I voted against them in matters of importance when they were clearly wrong, and in matters of small moment I did not vote at all—and why? I scorned by voting for them in such matters to seem *to pay court*. What remained—not to vote at all. If you call that absconding—going behind the chair, or escaping into the corridore, call it what you please—I say it was right—this is my plain way of dealing—this is common sense." Such was the rule of his action, and it is natural enough that even his powerful talents should have been postponed for the more certain services of inferior 'partizanship. With respect to Mr. Flood's effort in the British House, he was by no means allowed fair play. A magnificent burst was expected from him

on his very first exertion, as if he had lain by and come to his *debut* like a tragedy hero, after a long previous study, not only of his words, but of his tones and gesture. That was not his way. He was the every-day speaker, and always spoke well; sometimes indeed when he *had the distaff*, triflingly,. but not unfrequently rising into the highest regions of eloquence. He laboured under great personal disadvantages. A youth of dissipation had quite unfitted him for an old age of labour, and he became so feeble that in the Irish House he was often obliged to deliver his sentiments sitting. It is a fact, not generally known, that, on the night when he made his appearance in the British Parliament, he was warned at a previous consultation of physicians that the least exertion might cost him his life, and the consequence of his disregarding them was, that he was obliged the very next day to submit to a most painful and hazardous process. The mind must have had no common energy which could have even contemplated an exertion under such circumstances, and a rigid criticism on such an occasion was neither very just nor very generous.

During the administration of the Duke of Rutland, Mr. Curran continued in Parliament and in opposition. Indeed so unpopular was this nobleman in Ireland, that on his first presentation at the theatre he was publicly hooted by the populace. His viceroyalty was the scene of much stormy contention, and much political importance in the House of Commons, but he was himself wholly devoted to his private pleasures. It was said he was sent to drink the Irish into good humour, and his court was the residence of riot and dissipation. The taste of the Duke himself was by no means the most refined, nor was his Majesty the most dignified in the world. A celebrated courtezan of the name of Peg Plunket occupied his attention much more than the privy council, and sometimes unconsciously shared even the honours of Royalty. It is a notorious fact, that one evening, losing all recollection in her society, he forgot that he had been accompanied by a guard of honour, and morning dawned upon a troop of dragoons parading before her lodgings in attendance upon his Excellency! I have heard Curran relate two anecdotes of this woman, which he said were in universal

circulation at the time. The Duke had gone in state to the theatre.—The whole vice-regal suite was assembled—chamberlain—pages—aids de camp, &c. &c. The favourite, as usual, graced the lattices—a fellow in the gallery recognized her, and, wishing to mortify the Duke, who was very unpopular, bellowed out most unceremoniously—"Peg—Peg—who was your companion yesterday evening?" "MANNERS, fellow, MANNERS"—retorted Peg, affecting to rebuke him. It is unnecessary to add that MANNERS is the name of the Rutland family.

At another time a lady of rank, ignorant of the person to whom she had been referred, went to inquire the character of a dismissed servant. In a short time, however, she discovered her mistake, and was very naturally greatly disconcerted—"Oh," said she, immediately, with the most perfect *sang froid*, "I beg your ladyship may not be in the least alarmed—I shall let you away through the back door, which I had made *for the accommodation of the Irish bishops.*"

The Duke died, according to the account of Mr. Hardy, Lord Charlemont's biographer, of a fever produced by excessive dissipation, at the age of thirty-three! As this was the most active period of Mr. Curran's parliamentary life, I have selected as a specimen of his eloquence in the senate the following speech that he delivered on moving an address, and which has not appeared in the published collection.

The present was, he said, the most awful and important crisis that Ireland ever saw, considering the actual state of the nation, of the empire, and of the war in which we were engaged. As to the original motives of the war, he said it was not time to inquire into them; they were lost in the events; if they had been as pure as they had been represented, how much was it to be regretted that the issue had proved only, that it is not in mortals to command success.—The armies of Europe had poured into the field, and surrounded the devoted region of France on every side; but, far from achieving their purpose, they had only formed an iron hoop about her, which, instead of quelling the fury of her dissensions, had compressed their spring into an irresistible energy, and forced them into co-action. During its progress we saw the

miserable objects for whom it was undertaken, consumed in nameless thousands in the different quarters of Europe, by want, and misery, and despair; or expiring on the scaffold, or perishing in the field. We had seen, he said, the honest body of the British manufacturer tumbled into the common grave with the venal carcass of the Prussian hireling; we had seen the generous Briton submit to the alliance of servitude and venality, and submit to it in vain. The sad vicissitudes of each successive campaign had been remarked by the defeat of our armies, the triumphs of our enemies, and the perfidy of our allies. He stated the situation of the contending parties at the beginning of the contest: England with Spain, with Austria, with Prussia, with Holland, with Ireland on her side; while France had to count the revolt of Toulon, the insurrection of La Vendée, the rebellion of Lyons, and her whole eastern territory in the hands of her enemies:—how direful the present reverse! England exhausted, Holland surrendered, Austria wavering, Prussia fled, and Spain fainting in the contest; while France, triumphant and successful, waves a military and triumphant sceptre over an extent of territory that stretches from the ocean and the Rhine to the Pyrennees and the ocean. He would not dwell, he said, upon this miserable picture; he would only observe, that, during this long succession of

disaster and defeat, Ireland alone, of all the allies Great Britain had, neither trafficked, nor deceived, nor deserted. The present distresses of her people attested her liberality of her treasure, while the bones of her enemies, and of her children, bleaching upon all the plains of Europe, attested the brilliancy of her courage and the steadfastness of her faith. In this state, he said, was the war at the commencement of this session. Shortly before that period, it had been thought prudent by his Majesty's ministers in Great Britain to remove the chief governor of this kingdom, and to appoint a successor; of that successor it would, he said, be presumptuous in him to be a panegyrist; of his predecessor, it would be neither consistent with the decorum of the House, nor with his own feelings, to speak with any personal reproach: to the acts of both it was impossible not to advert. That the commencement of this session was a most awful period, was stated from the Throne, and admitted by the addresses of both Houses of Parliament; the causes that made it awful were clearly understood by the new Viceroy—the disasters of the war, and the discontents of the Irish nation. Of those discontents, he said, that House could not possibly be ignorant, because they could not be ignorant of the cause, namely, the abuses in our government. Upon that subject they must have seen that they had much to redress, and have

felt that they had not little to atone: their situation was most critical.—Their conduct, then, if it could be looked at distinctly, from their conduct afterwards, he would have considered as highly dignified. Lord Fitzwilliam found it necessary to demand a supply to an unexampled amount; that House felt the necessity, and complied with the demand; but they were the trustees of the nation, and must have felt that so extraordinary an exertion of supply ought to be accompanied by a most extensive measure of redress. They could not, as honest men, give the money of the people, and give a sanction to the continuance of their grievances; they might bestow their own money, if they would, without equivalent; but to act so with the money and the blood of the nation, would not have been generosity, but the most abominable dishonesty and fraud: they could give it only upon the terms of redress, and upon those terms only was it demanded by Lord Fitzwilliam, or given by that House. It was inconsistent with the purity of his mind, it was inconsistent with the character which they ought to preserve in the nation, to put this command into express terms: he could not have said to them expressly, I will cure those corruptions which have depressed and impoverished your people,—which have enriched the most unworthy, and have been connived at by a majority of yourselves. He could not thus hold them out as cri-

minals and penitents to the nation; it was a compact, therefore, expressed rather by acts than by words. The Viceroy set actually about the reform, and the House attested their most zealous gratitude and concurrence. Thus, said he, did I consider this House as warranted to say to their constituents, We have sent the flower of your population to the standard of the empire; we have sent the protector from his habitation, the mechanic from his trade, and the labourer from his field; we have found you weak, and we have made you weaker; we have found you poor, and we have made you poorer; we have laid a load of taxes upon you, of which for years you must feel the depression; we have laid those taxes so as almost to preclude the attainment of those comforts and decencies of life, without which you can scarcely exist; but we have not sold you, we have not betrayed you; what we have given has been the pledge of your loyalty, and the price of your redemption; by that pledge you have united yourselves to your king, and your posterity with his for ever; for that price, grievances and the abuses that depressed you, shall be corrected and redressed. This, said he, did I consider to be the meaning of that transaction, as fully as if it had been expressed in the strongest terms of contract or stipulation. It remained, he said, to state what these abuses and these grievances were; they began, he said, with the sale of the honour of the peerage; the

open and avowed sale, for money, of the peerage, to any man who was rich and shameless enough to be the purchaser. Upon this subject he dwelt with pointed severity and indignation; it depraved, he said, the Commons—it profaned the sanctity of the Lords—it poisoned the sources of legislature, and the fountains of justice—it annihilated the very idea of public honour and public integrity; yet this, he said, was done by the government of Lord Westmorland:—he had himself, in that House, stated the charge—he had offered to bring evidence to the bar to prove it—he had offered himself to prosecute the crime at the risk of that punishment which the law denounces against the false accuser; but that government shrunk from the inquiry, the charge was suffocated in that previous question; the truth of the charge was however confessed by that very flight from trial; it was like the flight of any ordinary felon in the admission of the guilt; it differed from it in this, it was followed by no forfeiture. He would go next, he said, to the sending of the troops from the country, contrary to law and to compact; he stated that compact and the provision in the money bill, declaring, that twelve thousand effective men should be at all times kept up in Ireland for the defence thereof, except in case of actual rebellion in, or invasion of, Great Britain; yet this law, he said, was broken by Lord Westmorland's administration; it was broken in the

moment of war, with the enemy at the gate, when the breach of the law might have been the loss of the island. If such a charge of assuming a dispensing power were to be mentioned in the British Parliament, that assembly would turn pale at the bare statements of an assumption of power by which the last of the Stuarts had lost, and meritedly lost, his throne; but he had lived, he said, to hear the charge made upon an Irish Viceroy, either not attempted to be denied by his adherents, or admitted by their justificaton of the fact, yet eluded by the subterfuge of the motion for adjournment; of such subterfuges he could not sufficiently express his abhorrence; it was, he said, a desertion of the duty which, as the grand inquest of the nation, they owed to the public, thus to smother accusation and collude with the accused; it could not save his character, and could only produce a shameful impunity with the loss of all estimation with themselves and with their constituents; it invited offence by discouraging accusation: this effect, however, he said, it should never have with him; he had often before been baffled by this dexterity of evasion, and he could not be without apprehension that even this night the most disinterested effort of public duty might be hag-ridden under the weight of a previous question; but he would persevere, for he knew it was to efforts of that sort, made, no doubt, with very

superior talent, but attended with no better success, that Ireland was indebted for the little progress she had made against the torrent of her oppressions. He proceeded next to state the expenditure of an hundred and fifty thousand pounds of the public money, without any sanction whatsoever of law, but advanced to the colonels of new-raised levies, without security or account; he appealed to their own accounts for the truth of the fact, and he argued from the law touching the issuing of the public money, which he discussed at large, to prove its criminality. He next stated the grants of almost every office at his departure from the government, to his own friends and adherents. On this he dwelt with peculiar sharpness of invective. He and his friends, he said, had, session after session, complained of the pernicious excess of influence, and they were opposed as the invaders of a just and necessary patronage. If Lord Westmorland thought that patronage necessary, upon what ground could he justify the shameless plunder of it, to the injury of his Sovereign, and to the prejudice of his successor? Upon what pretence could he be considered in his own country as the friend of the necessary power of his Sovereign, when he must be conscious that he had laboured to reduce the influence of that Sovereign to a state of the most contemptible imbecility? It is a notorious fact, he said, that he has not left a

single office of value in Ireland, of which a reversion could be granted, that he has not put out of the power of the Crown for a number of years to come. And now, said he, I call upon this House, I call upon his friends within it (if any friends he has within it), to vindicate him if they can—to deny the fact if they can—to justify it if they can—and to relieve him from the distressing situation in which he must feel himself, if a fact of this kind should be admitted and confirmed, while it was screened by the interposition of a previous question. Let me warn you, said he, how you will exhibit this anxiety for the prorogation, like the zeal of honest servants, who stand at the windows with their muskets to oppose the executions of creditors, that when they have beaten off the sheriff they may steal the furniture themselves. He now passed to the subject of the Roman Catholics; he expatiated very largely upon their merits, their sufferings, and their claims. He said he was the apologist of that House for the great concessions which they had made in 1793, and for that perfect emancipation to which, in the beginning of the session, the House had assented with an unanimity, interrupted only by the dissent of two honourable members, whose diversity of opinion he could not but respect and regret, but which he could not adopt. He enforced very strongly and at large, the injustice, the absurdity, and the dan-

ger of denying that emancipation; but he said the question, such as it was, was not left for the discussion of the present session, it had been decided in 1793; by giving the elective franchise, the principle of their full claim was admitted: the man who is constitutionally fit to be a constituent, must be equally so to be a representative. The concessions of 1793 had so authorized their pretensions, and put their claims into a progress, which it would be just as easy to stop as it would be the revolution of the heavens or the earth; that union for which the great mass of the people felt themselves ripe, and demanded as the great bond of their union and anchor of their safety, however it might, by sinister interference, be impeded or delayed, and could not be finally withheld or refused; they were pledged to it before, by their duty to the public, they were now doubly pledged for the vindication of their character; the defeating of their so laudable intentions upon this subject, was, he said, stated as the reason of the recall of Lord Fitzwilliam; and he drew a very sarcastic picture of the point of view in which the Commons of Ireland were put by this extraordinary measure. In plain English, he continued, Mr. Pitt might as well have said, the Lords of Ireland have no will of their own, the Commons of Ireland have no will of their own, they are the representatives only of their wants and of their venality. If Lord Fitzwilliam

remains in Ireland, the Catholics will be emancipated; if we send another in his place, that tame and sequacious parliament will move like puppets by his wires, and the nation will still continue divided and depressed, to the great advantage of English patronage, to the great credit of English justice. He concluded upon this subject, with the assertion that the House, in emancipating the Catholics, would have only ratified the engagement of their previous concessions; that Lord Fitzwilliam had acted wisely by concurring in the performance of that engagement, and that it only now remained with the House to vindicate its honour and its character, by expressing a becoming resentment at the interference which had frustrated that performance; for where, if such interference is endured, where shall the legislature of Ireland be found? Not in the Commons, not in the Lords, not in the King, but it will be found one and indivisible in the sacred person of an Irish minister. There remained, he said, to be mentioned, one grievance more, of which we expected the redress, and which redress might have justified our extraordinary grants; the unjust and impolitic restraints upon our commerce. Without our own concurrence, those restraints could not exist an hour—and how, at this moment, could we justify such a concurrence to the people?—We are, he said, the trustees of that people; we are

the trustees of their properties and of their rights; we have only the power of trustees; we have the power to manage, the duty to defend, but we have neither the power to abuse, to bestow, nor to surrender. Here he went into a train of general observation upon the nature of the commercial restraints upon Ireland, which he reprobated as ruinous to Ireland. Every wise man in that country, he said, was now convinced that with respect to commerce, the old adage, of Honesty is the best policy, is peculiarly true; and that the wealth of one country can never be effectually secured by the poverty of another. The first inventions of commerce, like those of all other arts, are cunning and short-sighted, and the perfection of the machine is too generally supposed to consist in the complexity of its wheels; it is only in the course of progressive improvement that they are unfolded with simplicity and comprehension. The abolition, therefore, of these restraints, is what we owe to policy, but we owe it also in common honesty to our constituents; we have loaded their poverty with taxes; we have sent away those whose labour might produce for them the necessaries of life, of which we have thereby doubly diminished the production and increased the price; with what face shall we approach them, if we say that we have done all this without attaining the redress of a single grievance? With what face, if

we abandon them in Parliament, shall we turn them over to the tax-gatherer for consolation? I know, said he, this is no time, when the passions of the public ought to be inflamed, nor do I mean to inflame them:—*(Here a murmur was heard from the opposite side of the House.)*—Yes, said he, I speak not to inflame, but I address you in order to allay the fever of the public mind: if I had power to warn you, I would exert that power in order to diminish the public ferment, in order to show the people that they have more security in your warmth than they can have in their own heat; that the ardour of your honest zeal may be a salutary ventilator to the ferment of your country, in order that you may take the people out of their own hands, and bring them within your guidance. Trust me, he said, at this momentous crisis, a firm and tempered sensibility of injury would be equally honourable to yourselves, and beneficial to the nation; trust me, if, at a time when every little stream is swoln into a torrent, we alone should be found to exhibit a smooth, and listless, and frozen surface, the folly of the people may be tempted to walk across us; and whether they should suppose that they were only walking upon ice, or treading upon corruption, the rashness of the experiment might be fatal to us all. I do therefore think it is a time for you to speak out. You granted the property of our constituents—you granted their per-

sons to Great Britain;—you did so in a war most unpopular in Ireland, in the disaster of which she might lose every thing—in the best event of which she could gain nothing; you embarked yourselves and your country in her cause, and your loyalty and attachment grew with her distresses, and seemed to rise upon her defeats; you did so upon the faith that the grievances under which she laboured, and the abuses of which she complained, would, under the administration of a Viceroy, in whose virtues and character you could not but confide, would have been redressed: your honest confidence has been defrauded, and your honest zeal insulted with a blow; your grants have been accepted—I think dishonestly accepted.

The Viceroy, in whom your addresses attested your so just and unlimited a confidence, while he was employed in the correction of those abuses, was recalled in a manner the most ignominious, not to him (for the bold, and simple, and manly integrity of a conduct, directed by a mixed regard to prudence, to loyalty, and to justice, placed him far above the aspersion of low intrigue or interested cabal), but in a manner most ignominious to you: it is a reproach which he may repel by silent and contemptuous disdain; but it is an ignominy which you would adopt by silence, and which you can only repel by speaking out. The measures for which your constituents had paid the most invalu-

able purchase, have been most impudently intercepted in their progress; you owe it, therefore to Lord Fitzwilliam, you owe it to yourselves, you owe it to your country, you owe it to the British nation, to speak out. Already has too much been sacrificed to your submission to ministers; let me advise you now to make some atonement by consulting the interests of your King and your country. Do not meanly flatter those ministers with an idea that their insolence does not, and must not, damp the zeal and alienate the affections of a loyal, a proud, a brave, and an injured people; do not dishonestly lead that beloved and justly beloved Sovereign, into the fatal delusion of supposing that Ireland either does or can glow with the same affection, or beat with the same ardour, if these indignities shall continue to be wantonly inflicted upon her; do not be guilty of keeping Great Britain in ignorance of the exact disposition of the last ally, whose fidelity has survived this eventful war; state to her honestly the sentiment of your country, a sentiment which you can attest, but which you cannot control, that Ireland, even in the hour of British adversity, remembers and plights anew her solemn covenant of "standing and falling with the British nation," but that she remembers too it is a covenant of "equal fate," upon the terms of "equal liberty;" that it is a covenant which Ire-

land is to cement with her blood, but which Great Britain must ratify with her justice.

The following passages from his speech upon pensions I have also extracted, which the reader will find well worthy his perusal. They are admirable specimens of grave and sarcastic humour:

This polyglott of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the exalted excellence of an Hawke or a Rodney, to the debased situation of the lady who humbleth herself that she may be exalted. But the lessons it inculcates form its greatest perfection—it teaches that sloth and vice may eat that bread which virtue and honesty may starve for, after they had earned it. It teaches the idle and dissolute to look up for that support which they are too proud to earn. It directs the minds of men to an entire reliance on the ruling powers of the state, who feeds the ravens of the royal aviary that continually cry for bread. It teaches them to imitate those saints on the pension list that are like the lilies of the field, they toil not, neither do they spin, and yet are arrayed like Solomon in all his glory. In fine—it teaches a lesson, which indeed they might have learned

from Epictetus, that it is sometimes good not to be over-virtuous—it shows, that in proportion as our distresses increase, the munificence of the Crown increases also—in proportion as our clothes are rent, the royal mantle is extended over us.—But, notwithstanding, the pension list, like charity, covers a multitude of sins—give me leave to say, it was coming home to the members of this House—give me leave to say, that the Crown, in extending its charity, its liberality, its profusion, is laying a foundation for the independence of Parliament; for hereafter, instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the state, and they will by so doing have this security for their independence, that while any man in the kingdom has a shilling, they will not want one.—— Suppose at any future period of time, the boroughs of Ireland should decline from their present flourishing and prosperous state—suppose they should fall into the hands of men, who would wish to drive a profitable commerce by having members of Parliament to hire or let; in such a case a secretary would find great difficulty if the proprietors of members should enter into a combination to form a monopoly; to prevent which in time, the wisest way is to purchase up the raw material, young members of Parliament, just

rough from the grass, and when they are a little bitted, and he has got a pretty stud, perhaps of seventy, he may laugh at the slave-merchant: some of them he may teach to sound through the nose like a barrel organ; some, in the course of a few months, might be taught to cry, 'Hear, hear' —some—'Chair, chair,' upon occasion, though those latter might create a little confusion if they were to forget whether they were calling inside or outside those doors. Again, he might have some so trained, that he need only pull a string, and up gets a repeating member; and if they were so dull that they could neither speak nor make orations (for they are different things), he might have them taught to *dance—pedibus ire in sententia.* This improvement might be extended—he might have them dressed in coats and shirts all of one colour, and of a Sunday he might march them to church two and two, to the great edification of the people, and the honour of the Christian religion; afterwards, like the ancient Spartans, or the fraternity at Kilmainham, they might dine together in a great hall! Good heaven! what a sight! to see them feeding together in public, upon the public viands, and talking of public subjects for the benefit of the public. It is a pity they are not immortal, but I hope they will flourish as a corporation, and that pensioners will beget pensioners to the end of the chapter.

There are in these two speeches passages very characteristic of his mind, but by no means producing the same impression conveyed by a perusal of his forensic exertions. It is indeed an universal remark, that in the senate, as an orator, he fell infinitely beneath his estimation in the forum. This opinion has been by some attempted to be generalized, and a critical interdict passed upon the capability of barristers in the Houses of Parliament. It is said there is a something in the profession of the law which dims the intellect, and makes the mental eye, as it were, too microscopic for the contemplation of enlarged and general subjects. On this argument a barrister must be supposed too much interested to deliver a competent opinion; but certainly it strikes me that experience has by no means justified the supposition. At this very day, Sir Samuel Romilly in England, and Mr. Plunket in Ireland, are two splendid and prominent exceptions. I was intimate enough with Mr. Curran to allude to the subject, and took the liberty of asking whether he thought the Irish Parliamentary reporters had done him justice. The answer which he gave me was, "Whether

the Parliamentary reporters have done justice to my efforts in the House of Commons it is not for me to say, but that the public have not, I am certain. You must consider that I was a person attached to a great and powerful party, whose leaders were men of importance in the state, totally devoted to those political pursuits from whence my mind was necessarily distracted by studies of a different description. They allotted me my station in debate, which being generally in the rear, was seldom brought into action till towards the close of the engagement. After having toiled through the Four Courts for the entire day, I brought to the House of Commons a person enfeebled, and a mind exhausted—I was compelled to speak late in the night, and had to rise early for the Judges in the morning—the consequence was, my efforts were but crude; and where others had the whole day for the correction of their speeches, I was left at the mercy of inability or inattention."—Such was the excuse which he himself gave for the comparative inferiority of those productions, and to an impartial mind it is quite satisfactory. In the House of Commons, however, the keenness

of his sarcasm and the ridicule of his wit naturally produced him many enemies.—Amongst these, by far the most powerful, the most inveterate, and the most persevering was John Fitzgibbon, afterwards Earl of Clare and Lord High Chancellor of Ireland. It is scarcely possible to conceive any feeling more violent than the animosity which this personage entertained towards Mr. Curran—an animosity which first assailed his character—then his person, and finally, in his own court but too successfully, his professional practice. He was dead long before I could form any personal opinion of him, and therefore I am justified in gratifying the reader by again resorting to Sir Jonah Barrington's superior talents, for his character.

"John Fitzgibbon, the second son of his father, was called to the bar in 1772.—Naturally dissipated, he for some time attended but little to the duties of his profession; but, on the death of his elder brother and his father, he found himself in possession of all those advantages which led him rapidly forward to the extremity of his objects.—Con-

siderable fortune—professional talents—extensive connexions—and undismayed confidence, elevated him to those stations, on which he afterwards appeared so conspicuously seated; while the historic eye, as it follows his career, perceives him lightly bounding over every obstacle which checked his course, to that goal where all the trophies and thorns of power were collected for his reception.

"From his advancement, Ireland computed a new epocha—the period of his life comprised a series of transactions, in the importance of which the recollection of former events was merged and extinguished:—to the character of Lord Clare may be traced the occult source of heretofore inexplicable measures—in his influence will be found the secret spring, which so often rendered the machine of Irish government rapid and irregular; and as we pass along through those interesting scenes which distinguished Ireland for twenty years, we often anticipate his councils, and as often mourn the result of our anticipation.

"In the Earl of Clare we find a man eminently gifted with talents adapted either for a blessing or a curse to the nation he inhabited; but early enveloped in high and dazzling authority, he lost his way; and considering his power as a victory, he ruled his country as a conquest:—warm, but indiscriminate in his friendships—equally indiscriminate and implacable in his animosities—he carried to the grave the passions of his childhood, and has bequeathed to the public a record*, which determines that trait of his varied character beyond the power of refutation.

"He hated powerful talents, because he feared them; and trampled on modest merit, because it was incapable of resistance. Authoritative and peremptory in his address; commanding, able, and arrogant in his language; a daring contempt for public opinion seemed to be the fatal principle which misguided his conduct: and Ireland became divided between the friends of his patronage

* His Lordship's last will, now a record in the prerogative office of Dublin, a most extraordinary composition of hatred and affection, piety and malice, &c.

—the slaves of his power—and the enemies to his tyranny.

"His character had no medium, his manners no mediocrity—the example of his extremes was adopted by his intimates, and excited in those who knew him feelings either of warm attachment, or of rivetted aversion.

"While he held the seals in Ireland, he united a vigorous capacity with the most striking errors:—as a judge, he collected facts with a rapid precision, and decided on them with a prompt asperity:—depending too much on the strength of his own judgment and the acuteness of his own intellect, he hated precedent, and despised the highest judicial authorities, because they were not his own.

"Professing great control over others, he assumed but little over himself; he gave too loose a rein to his impressions, consequently the neutrality of the judge occasionally yielded to the irritation of the moment; and equity at times became the victim of despatch, or a sacrifice to pertinacity.

"The calm dignity of a high and elevated mind, deriving weight from its own purity, and consequence from its own example, did not seem the characteristic of the tribunal where he presided; and decorum was preserved, less by a respect for his person, than a dread of his observation; for he disliked presumption in every person but himself, and discountenanced it in every body, but those whom he patronized.

"He investigated fraud with assiduity, and punished it with rigour;—yet it was obvious, that in doing so he enjoyed the double satisfaction of detecting delinquency, and of gratifying the misanthropy of an habitual invective—for never did he poise the scale, without also exercising the sword of justice.

"Yet in many instances he was an able, and in many a most useful judge—and though his talents were generally overrated, and many of his decisions condemned, it may be truly said, that, with all his failings, if he had not been a vicious statesman, he might have been a virtuous chancellor.

"Though his conversation was sometimes licentious and immoral, and always devoid of refined wit and of genuine humour—yet in domestic life he had many meritorious, and some amiable qualities—an indefatigable and active friend, a kind and affectionate master; an indulgent landlord—liberal, hospitable, and munificent, he possessed the seed of qualities very superior to those which he cultivated, and in some instances evinced himself susceptible of those finer sensations, which, if their growth had been permitted in his vigorous and fertile mind, might have placed him on the very summit of private character: but, unfortunately, his temper, his ambition, and his power, seemed to unite in one common cause, to impede and stunt the growth of almost every principle which would have become a virtue.

"As a politician and a statesman, the character of Lord Clare is too well known, and its effects are too generally experienced, to be mistaken or misrepresented—the era of his reign was the downfal of his country—his councils accelerated what his policy might have suppressed, and have marked the an-

nals of Ireland with stains and miseries unequalled and indelible.

"In council, Lord Clare—rapid, peremptory, and overbearing—regarded promptness of execution, rather than discretion of arrangement, and piqued himself more on expertness of thought than sobriety of judgment. Through all the calamities of Ireland, the mild voice of conciliation never escaped his lips; and when the torrent of civil war had subsided in his country, he held out no olive, to show that the deluge had receded.

"Acting upon a conviction, that his power was but coexistent with the order of public establishments, and the tenure of his office limited to the continuance of Administration, he supported both with less prudence, and more desperation, than sound policy or an enlightened mind, should permit or dictate; his extravagant doctrines of religious intolerance created the most mischievous pretexts for his intemperance in upholding them; and under colour of defending the principles of one revolution, he had nearly plunged the nation into all the miseries of another.

"His political conduct has been accounted uniform,—but in detail it will be found to have been miserably inconsistent.—In 1781 he took up arms to obtain a declaration of Irish independence;—in 1800 he recommended the introduction of a military force, to assist in its extinguishment;—he proclaimed Ireland a free nation in 1783,—and argued that it should be a province in 1799;—in 1782 he called the acts of the British Legislature towards Ireland '*a daring usurpation on the rights of a free people**,'—and in 1800 he transferred Ireland to the usurper. On all occasions his ambition as despotically governed his politics, as his reason invariably sunk before his prejudice."

Such, according to this able writer, is an accurate description of Lord Clare—a description from the pen of one who knew him well, and considered, at all events, to be an impartial one. During the administration of the Duke of Rutland, a requisition had

* "In his Lordship's answer to the address of Dublin University, on the 14th of April 1782, upon the declaration of rights, he used these words; and added, that 'he had uniformly expressed that opinion, both in public and in private.'"

been addressed to a Mr. Reilly, one of the Sheriffs of Dublin, requiring him to call a meeting for the election of members to serve in a conventional congress, the object of which was to effect a reform in the popular representation. Mr. Fitzgibbon, then Attorney General, had the Sheriff attached for his compliance with this order; which proceeding originated a discussion in the House of Commons, on the motion of the Honourable William Brownlow. This question of attachments caused considerable disquisition both in England and in Ireland, and was argued, particularly in the Irish House, with great zeal and learning. When, however, Mr. Curran rose to speak to it, the Attorney General, whose professional as well as political character was chiefly involved in the debate, either really was, or affected to be, asleep upon the benches. "I hope," said Mr. Curran, naturally enough, indignant at such contemptuous apathy, "I hope I may be allowed to speak to this great question without disturbing the sleep of any right honourable member, and yet perhaps I ought rather to envy than to blame his tranquillity. I do not feel myself so happily tempered as to be

lulled to rest by the storms that shake the land; but if they invite rest to any, that rest ought not to be lavished on the guilty spirit." —He then went on to argue the question at considerable length; and when he had sat down, the Attorney General, after having attempted an answer to his arguments, concluded by desiring that "no *puny babbler* should attempt with vile, unbounded calumny, to blast the Judges of the land."—This called up Mr. Curran again, who retorted on him as follows—

The gentleman has called me a *babbler.* I cannot think that is meant as a disgrace, because in another Parliament, before I had the honour of a seat in this House, and when I was in the gallery, I have heard a young lawyer called *Babbler* —(the Attorney General.)—I do not indeed recollect that there were sponsors at the baptismal font, nor was there any occasion, as the infant had promised and vowed so many things in his own name. Indeed, Sir, I find it difficult to reply, for I am not accustomed to pronounce a panegyric on myself—I do not well know how to do it—but since I cannot tell the House what I am, I will tell them what I am not. I am not a young man whose respect in person and character depends

upon the importance of my office—I am not a man who thrusts himself into the foreground of a picture which ought to be occupied by a better figure —I am not a man who replies by invective, when sinking under the weight of argument—I am not a man who denied the necessity of parliamentary reform at a time I proved the expediency of it, by reviling my own constituents, the parish clerk, the sexton, and the grave-digger; and if there is any man who can apply what *I am not* to *himself*, I leave him to think of it in the Committee, and contemplate it when he goes home.

The consequence of this altercation was a message from Mr. Fitzgibbon; and the parties having met, were left to fire when they chose. "I never," said Mr. Curran, relating the circumstances of the meeting—"I never saw any one whose determination seemed more malignant than Fitzgibbon's—after I had fired, he took aim at me for at least half a minute, and on its proving ineffectual, I could not help exclaiming to him —'It was not your fault, Mr. Attorney; you *were deliberate enough.*'" The Attorney General declared his honour satisfied; and here, at least for the present, the dispute appeared to terminate.

Not here, however, terminated Fitzgibbon's animosity. His zeal—his politics—his exertions on the subject of the Regency, and his unquestionable abilities, raised him to the seals on the resignation of Lord Lifford, during whose judicial life, Curran was rising rapidly to the fame and emoluments of the Chancery practice. From the moment of his elevation, Lord Clare, on every occasion, exhibited his hatred of the politician by his neglect of the advocate—at length the agents observed this marked hostility—the ear of the Judge, as it is called, was lost—the client participated in the unpopularity of his counsel, and Curran's practice was soon confined exclusively to Nisi Prius. "I made," said Mr. Curran, in a letter addressed to Mr. Grattan twenty years after, "I made no compromise with power; I had the merit of provoking and despising the personal malice of every man in Ireland, who was the known enemy of the country. *Without* the walls of the courts of justice, my character was pursued with the most persevering slander; and within those walls, though *I was too strong to be beaten down by any judicial malignity, it was not so with my clients;* and my consequent losses in

professional income have never been estimated at less, as you must have often heard, than 30,000*l.*" The incidents attendant upon this disagreement were at times ludicrous in the extreme. One day, when it was known that Curran was to make an elaborate argument in Chancery, Lord Clare brought a large Newfoundland dog upon the bench with him, and during the progress of the argument he *lent his ear* much more to the dog than to the barrister. This was observed at length by the entire profession—in time the Chancellor lost all regard for decency—he turned himself quite aside in the most material part of the case, and began in full court to fondle the animal—Curran stopped at once.—"Go on, go on, Mr. Curran," said Lord Clare, who certainly had much of the coxcomb in his manner—"O! I beg a thousand pardons, my Lord—I really took it for granted that your Lordship was *employed in consultation.*"

At length, however, the day arrived, when Curran, roused to the highest possible pitch of exasperation, took an ample and almost unparalleled revenge upon his adversary. In the year 1790, a dispute arose

between the Sheriffs of Dublin and the Common Council on the one part, and the Court of Aldermen on the other, as to the right of electing a Lord Mayor.

Mr. Curran.—In this very chamber did the Chancellor and Judges sit, with all the gravity and affected attention to arguments in favour of that liberty and those rights, which they have conspired to destroy. But to what end, my Lords, offer arguments to such men? A little peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched Chancellor, that he was betraying those rights which he was sworn to maintain; that he was involving a government in disgrace, and a kingdom in panic and consternation; that he was violating every sacred duty, and every solemn engagement, that binds him to himself, his country, and his God! Alas! my Lords, by what argument could any man hope to reclaim or to dissuade a mean, illiberal, and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to persevere? He probably would have replied to the most unanswerable arguments by some cant, contumelious, and unmeaning apophthegm, delivered with the fretful

smile of irritated self-sufficiency and disconcerted arrogance; or even, if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The endeavour to approach it would have only removed him to a greater distance than he was before; as a little hand that strives to grasp a mighty globe, is thrown back by the re-action of its own effort to comprehend. It may be given to an Hale or an Hardwicke to discover and retract a mistake: the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary; consumed by its heat, or irritated by its light, they soon disappear: but the perversenesses of a mean and narrow intellect are like the excrescences that grow upon a body naturally cold and dark: no fire to waste them, and no ray to enlighten, they assimilate and coalesce with those qualities so congenial to their nature, and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor, indeed, my Lords, except where the interest of millions can be affected by the vice or the folly of an individual, need it be much regretted that to things not worthy of being made better, it hath not pleased Providence to afford the privilege of improvement.

Lord Chancellor.—Surely, Mr. Curran, a gen-

tleman of your eminence in your profession must see that the conduct of former privy-councils has nothing to do with the question before us. The question lies in the narrowest compass; it is merely whether the Commons have a right of arbitrary and capricious rejection, or are obliged to assign a reasonable cause for their disapprobation. To that point you have a right to be heard, but I hope you do not mean to lecture the Council.

Mr. Curran.—I mean, my Lords, to speak to the case of my clients, and to avail myself of every defence which I conceive applicable to that case. I am not speaking to a dry point of law, to a single judge, and on a mere forensic subject; I am addressing a very large auditory, consisting of co-ordinate members, of whom the far greater number is not versed in the law. Were I to address such an audience on the rights and interests of a great city, and address them in the hackneyed style of a pleader, I should make a very idle display, with very little information to those that I address, or benefit to those on whose behalf I have the honour to be heard. I am aware, my Lords, that truth is to be sought only by slow and painful progress; I know also that error is in its nature flippant and compendious; it hops with airy and fastidious levity over proofs and argu-

ments, and perches upon assertion, which it calls conclusion.

Under the above description of Sir Constantine Phipps, it was apparent to the humblest capacity, that Mr. Curran meant to delineate Lord Clare, and the accuracy of the likeness was affected to be acknowledged, at least by his enemies. A reconciliation never was effected between them. Lord Clare, persevering in his political principles, seconded Lord Castlereagh with all his might in perfecting the accursed measure of the Union—took his seat in the Imperial Parliament — attempted to domineer as he had done in Ireland, and after being branded as a plebeian peer by the Duke of Bedford, returned to die in the country, whose political independence he had compromised, where he was so unpopular, that a dead cat was cast into his grave by a rabble exasperated beyond all sense of decency. A gentleman of the Irish bar with not many sympathies in common with his Lordship, and very celebrated for his wit, being asked to attend a professional procession at the funeral, declared with the

most courteous gravity, that "nothing in the world would give him *greater pleasure.*"—Lord Clare was not the only person with whom Mr. Curran's parliamentary conduct threw him into collision. He also called to the field Major Hobart, now Earl of Buckinghamshire, for some alleged offence; and it is remarkable enough, that Mr. Egan, his former antagonist, was his friend upon this occasion. Major Hobart did not return Mr. Curran's fire, and the affair ended without injury.

The speeches which have been laid before the public in the preceding pages, are the only specimens which I have been able to glean from the debates of the day, at least not already known, and worth recording, of his parliamentary eloquence. They were produced under all the disadvantages already enumerated, and therefore any literary criticism on their merits would be unfair. Such as they are, indeed, there is little authority for thinking that they are given to us as Mr. Curran delivered them. The literary capability of the Irish parliamentary reporters of

that æra was such, that when Hussey Burgh said in the House, he founded himself on the authority of the *eminent Serjeant Maynard*, it appeared in all the newspapers next day that he founded himself on the authority of an *eminent Serjeant Major!* But whatever might have been the fate of his eloquence, it was impossible for his votes to be misrepresented; and the friend of liberty will never look for him in vain wherever freedom or religious toleration was endangered. No matter under what personal, or political, or professional discouragements, he never for a moment deserted the interests of his country; and I am as persuaded as I am of my own existence, that either in the field or on the scaffold, he would most cheerfully have sealed with his heart's blood the charter of her emancipation. Many of his speeches in the senate have not been reported at all, many which have been reported are sadly mutilated, and many so *embellished* by the ignorant self-sufficiency of the reporter, that the original material is quite hid by the embroidery. Such reports, so extended, and so feeble, bear an exact resemblance to Curran's own description of the speech of Serjeant Hewit

—"The learned Serjeant's speech," said he, "put me exactly in mind of a familiar utensil in domestic use, commonly called an *extinguisher*—it began at a point, and on it went, widening and widening, until at last it fairly put the question out altogether."

However, it is not to Mr. Curran's exertions in Parliament, but at the bar, that his biographer can look with the most justifiable satisfaction. His most powerful efforts were naturally directed to the profession on which alone he calculated for fame or emolument. In this career we have, at least, a more authentic account of his progress than the parliamentary reports present to us. His speeches never were corrected by himself, and so dissatisfied was he at their publication, that he told me he offered five hundred pounds for their suppression, which was refused. It was his intention, an intention continually expressed, and as continually procrastinated, to have given the world a genuine edition, prefixing to each speech a little memorandum explanatory of the events in which it originated. This he designed to be only a supplement to the political history

of his own times; "and for this," said he, "there are now alive only two men in Ireland who are competent—Mr. Grattan and myself; but, he is too industrious during the session, and too indolent during the vacation, and, at all events, would handle the subject too much *en philosophe;* but I, in all, except my talents, should be the most natural historian; for I have not only visited the Castle and the senate, but I have taken the gauge of treason in the *dungeon* and in the *tender.*" Those who recollect the ease, the eloquence, the characteristic strength with which in common conversation he sketched the public personages of his day, can alone appreciate the loss to literature of that unperformed intention. Indeed it was quite astonishing to observe his particular talent at character-drawing. He was a complete conversational La Bruyere—the minutest peculiarities were so exquisitely touched—the varieties of composition so defined—the light and shade so skilfully contrasted, that the whole figure seemed to start from the canvass, as it moved in life before the eye of the spectator. All it wanted was animation, and this, to his delighted auditor, Mr. Curran repre-

sented—he became the very creature he was describing, and the noblest mimickry, that of mind, seconded the fidelity of the personal delineation. Perhaps the reader may recognise under the following description the late Doctor Duigenan, as he rose in the House of Commons, combating the claims of the modern Catholics, with all the inveterate prejudices of antiquity. He had attacked Mr. Curran in the Irish House on the Roman Catholic question, in the year 1796, which called down on him the following retort—

Having replied to the arguments of several members that had preceded him in the debate, Mr. Curran came to the speech that had been delivered by Dr. Duigenan, and entertained the House for about half an hour, with one of the most lively sallies of wit and humour that we remember to have heard. He said, that the learned Doctor had made himself a very prominent figure in the debate; furious, indeed, had been his anger, and manifold his attack. What argument, or what man, or what thing, had he not abused? Half choked by his rage in refuting those who had spoken, he had relieved himself by attacking those who had not spoken; he had abused the Catholics, he had abused their ancestors, he had abused the

merchants of Ireland, he had abused Mr. Burke, he had abused those who voted for the order of the day. I do not know, said Mr. Curran, but I ought to be obliged to the learned Doctor for honouring me with a place in the invective; he has called me the bottle-holder of my right honourable friend; sure I am, said he, that if I had been the bottle-holder of both, the learned Doctor would have less reason to complain of me than my right honourable friend; for him I should have left perfectly sober, whilst it would very clearly appear, that, with respect to the learned Doctor, the bottle had not only been managed fairly, but generously; and that if, in furnishing him with liquor, I had not furnished him with argument, I had, at least, furnished him with a good excuse for wanting it; with the best excuse for that confusion of history, and divinity, and civil law, and canon law, that heterogeneous mixture of politics, and theology, and antiquity, with which he has overwhelmed the debate, and the havoc and carnage he has made of the population of the last age, and the fury with which he seemed determined to exterminate, and even to devour the population of this; and which urged him, after tearing and gnawing the characters of the Catholics, to spend the last efforts of his rage with the most unrelenting ferocity in actually gnawing their names.—[Alluding to Dr. Duigenan's pronunciation of the name of Mr.

Keogh, and which, Mr. Curran said, was a kind of pronunciatory defamation.]—In truth, Sir, said he, I felt some surprise, and some regret, when I heard him describe the sceptre of lath, and tiara of straw, and mimic his bedlamite Emperor and Pope with such refined and happy gesticulation, that he could not be prevailed on to quit so congenial a company. I should not, however, said he, be disposed to hasten his return to them, or to precipitate the access of his fit, if, by a most unlucky felicity of indiscretion, he had not dropped some doctrines which the silent approbation of the minister seemed to have adopted. Mr. Curran said, he did not mean amongst these doctrines to place the learned Doctor's opinions touching the Revolution, nor his wise and valorous plan, in case of an invasion, of arming the beadles and the sextons, and putting himself in wind for an attack upon the French, by a massacre of the Papists: the doctrine he meant was, that Catholic franchise was inconsistent with British connexion. Strong, indeed, said he, must the minister be in so wild and desperate a prejudice, if he can venture, in the fallen state of the empire, under the disasters of the war, and with an enemy at the gate, if he can dare to state to the great body of the Irish nation that their slavery is the condition of their connexion with England; that she is more afraid of yielding Irish liberty than of losing Irish connexion; and the denuncia-

tion, he said, was not yet upon record, it might yet be left with the learned Doctor, who, he hoped, had embraced it only to make it odious,—had hugged it in his arms with the generous purpose of plunging with it into the deep, and exposing it to merited derision, even at the hazard of the character of his own sanity. It was yet in the power of the minister to decide, whether a blasphemy of this kind should pass for the mere ravings of frenzy, or for the solemn and mischievous lunacy of a minister: he called, therefore, again to rouse that minister from his trance, and in the hearing of the two countries to put that question to him which must be heard by a third, whether at no period, upon no event, at no extremity, we were to hope for any connexion with Britain, except that of the master and the slave, and this even without the assertion of any fact that could support such a proscription.

Speaking of Doctor Johnson, whom he could not bear, he once violently exclaimed —"Sir, he was intolerant, and an intolerable dogmatist—in learning, a pedant—in religion, a bigot—in manners, a savage—and in politics, a slave." Characterizing the late Lord Avonmore as a Judge—"Oh," said he, "the poor fellow on his death-bed could have

had no more selfish wish, than that justice should be administered to him in the world to come in the same spirit with which he distributed it in this."

Speaking of Mr. Fox's social manners, I remember his using a very curious, and, as some have said, a very happy illustration—"Fox," said he, "was by no means unsusceptible of humour—when I have trembled before him, I have caught a smile *rippling the fine Atlantic of his countenance.*"

There are several public characters now alive, particularly in Ireland, whom I have heard him describe with such ludicrous severity, that it was difficult to decide whether to smile or shudder as he proceeded. Some of them I noted down, and some of them are faithfully engraven on my memory; but I am unwilling to inflict wounds, which perhaps, upon deliberation, he would not have done himself. Such delicacy, however, by no means exists in my mind with respect to the following character, which he thus depicts with a frightful fidelity, in his speech in defence of Mr. Oliver Bond, accused of high

treason. It is the character of REYNOLDS, the noted informer, the mention of whose name, to the day of his death, seemed to thrill through him with an involuntary horror—

Character of Reynolds.

Are you prepared in a case of life and death, of honour and of infamy, to credit a vile informer? The perjurer of one hundred oaths—whom pride, honour, or religion could not bind! the forsaken prostitute of every vice calls on you with one breath to blast the memory of the dead, and blight the character of the living! Do you think Reynolds to be a villain? It is true he dresses like a gentleman, and the confident expression of his countenance, and the tones of his voice, *savour strong of growing authority*—he measures his value by the coffins of his victims, and in the field of evidence appreciates his fame, as the Indian warrior does in fight, by the number of the scalps with which he can swell his victory! He calls on you by the solemn league of moral justice, to accredit the purity of a conscience washed in its own atrocities! He has promised and betrayed—he has sworn and forsworn—and whether his soul shall go to heaven or to hell, he seems perfectly indifferent, for he tells you he has established an interest in both places! He has told you that he has pledged himself to treason and allegiance, and both oaths has he contemned and

broken. At this time, when reason is affrighted from her seat, and giddy prejudice takes the reins—when the wheels of society are set in conflagration by the rapidity of their own motion—at such a time does he call upon a jury in Heaven's name, to accredit a testimony blasted by his own accusation! Vile, however, as this execrable informer must feel himself, history, alas! holds out but too much encouragement to his hopes—for, however base and however perjured, I recollect few instances between the subject and the crown, where informers have not cut keen and rode awhile triumphant upon public prejudice. I know of no instance where the edge of the informer's testimony has not been fatal, or only blunted by the extent of its execution, after he has retired from public view, hid beneath the heap of his own carnage. I feel, gentlemen, I ought to apologize to Mr. Reynolds for placing him in this point of view, for I frankly own I have no authority save his own accusation. Gentlemen, you have been emphatically called on to secure the state by the conviction of the prisoner. I am less interested in the condition and political happiness of this country than you are, for probably I shall be a less time in it. I have then the greater claim on your confidence, when I caution you against the greatest and most fatal of revolutions—that of the sceptre into the hands of the informer. *These are probably*

the last words I shall ever speak to you, but these last are directed to your salvation, and that of your posterity, when they tell you that the reign of the informer is the suppression of the law. My old friends, I tell you that if you surrender yourselves to the mean and disgraceful instrumentality of your own condemnation, you will make yourselves fit objects for martial law. You will give an attestation to the British minister that you are fit for it, and your liberties will vanish, never, O never to return. Your country will become a desert or a gaol, until the informer, fatigued with slaughter and gorged with blood, will slumber upon the sceptre of his perjury! It remains with you to say whether four species shall comprise the population of your country—the informer to accuse—the jury to condemn—the judge to sentence—and the prisoner to suffer. It regardeth not me what impression your verdict shall make on the fate of this country, but you it much regardeth. With the solemnity of a last bequest, I offer you the warning, and O! may the acquittal of a worthy and virtuous citizen, who takes refuge in your verdict from the *vampire* who seeks to suck his blood, be the blessed promise of peace, confidence, and security to this wretched, distracted, self-devouring population!

Yet such is the publicly delivered description of a man, who, it is said, has since been sent abroad as the diplomatic representative of his Sovereign! The above character is much more strongly and more finely drawn, than that in the printed publication, which bears the name of Mr. Curran. It is not my intention to swell this volume by a lengthened insertion of the various speeches with which, no doubt, the enlightened reader is already acquainted; however, I shall select the passages which appear to me the most highly finished, and the most characteristic, prefacing each with such an account of its origin, as may produce some extrinsic interest in the perusal. By this, every one may form for himself an estimate of the peculiar powers of the orator in their highest state of preparation. It would not be quite fair to judge him by those casual effusions which he flung off in the moment of hurry or of carelessness; but the passages which I shall quote, he was accustomed to call his *de bene esses*, highly finished for the purposes of effect, and prepared to be dove-tailed into the less elaborate compositions. At the same time, it would be doing Mr. Curran a gross

injustice to assert that he never rose high except from previous reflection. The fact is otherwise. He seldom produced a more powerful impression, or blazed into a more cloudless meridian, than when he was inflamed or exasperated by the opposition of the moment. Of this, the reprisal upon Lord Clare, as above quoted, is a prominent instance. It is a very foolish, but a very favourite opinion of some, that the merit of a speech is much diminished by the circumstance of its preparation. But it appears to me just as possible to produce a law argument upon the spur of the occasion, replete with intuitive learning, and fortified by inspired authorities, as any of those sublime orations to which mankind have decreed the palm of eloquence. The greatest orators of antiquity were not ashamed to confess the industry of the closet. Demosthenes gloried in the *smell of the lamp;* and it is recorded of Cicero, that he not only so laboriously prepared his speeches, but even so minutely studied the effect of their delivery, that on one occasion, when he had to oppose Hortensius, the reiterated rehearsals of the night before so diminished his strength as almost

to incapacitate him in the morning. Lord Erskine corrected his very eloquent orations, and Mr. Burke literally worried his printer into a complaint against the fatigue of his continual revisals. Indeed it is said that such was the fastidiousness of his industry, that the proof sheet not unfrequently exhibited a complete erasure of the original manuscript! Such is the labour of those who write for immortality. The first speech of Mr. Curran of any consequence which I can find upon record, though he had undoubtedly previously risen to great professional eminence, is the speech before mentioned on the right of the election of Lord Mayor, delivered in the year 1790. He was at that time a King's counsel. The following passages, after that on Lord Clare, appeared to me the most highly finished and the most characteristic.

On the Disadvantages arising to Ireland, from the rapid Change of her Administrations.

But, my Lords, how must these considerations have been enforced by a view of Ireland, as a connected country, deprived as it was of almost all the advantages of an hereditary monarchy; the father of his people residing at a distance, and

the paternal beam reflected upon his children through such a variety of mediums, sometimes too languidly to warm them, sometimes so intensely as to consume; a succession of governors differing from one another in their tempers, in their talents, and in their virtues, and of course in their systems of administration; unprepared in general for rule by any previous institution, and utterly unacquainted with the people they were to govern, and with the men through whose agency they were to act. Sometimes, my Lords, 'tis true, a rare individual has appeared among us, as if sent by the bounty of Providence in compassion to human miseries, marked by that dignified simplicity of manly character, which is the mingled result of enlightened understanding and an elevated integrity; commanding a respect that he laboured not to inspire; and attracting a confidence which it was impossible he could betray. It is but eight years, my Lords, since we have seen such a man amongst us, raising a degraded country from the condition of a province, to the rank and consequence of a people, worthy to be the ally of a mighty empire; forming the league that bound her to Great Britain, on the firm and honourable basis of equal liberty and a common fate, "standing and falling with the British nation," and thus stipulating for that freedom which alone contains the principle of her political life, in the covenant

of her federal connexion. But how short is the continuance of those auspicious gleams of public sunshine! how soon are they passed, and perhaps for ever! In what rapid and fatal revolution has Ireland seen the talents and the virtues of such men give place to a succession of sordid parade, and empty pretension of bloated promise and lank performance, of austere hypocrisy and peculating economy! Hence it is, my Lords, that the administration of Ireland so often presents to the reader of her history, not the view of a legitimate government, but rather of an encampment in the country of a barbarous enemy; where the object of the invader is not government but conquest; where he is of course obliged to resort to the corrupting of clans, or of single individuals, pointed out to his notice by public abhorrence, and recommended to his confidence only by a treachery so rank and consummate, as precludes all possibility of their return to private virtue or to public reliance, and therefore only put into authority over a wretched country, condemned to the torture of all that petulant unfeeling asperity, with which a narrow and malignant mind will bristle in unmerited elevation; condemned to be betrayed, and disgraced, and exhausted by the little traitors that have been suffered to nestle and grow within it, making it at once the source of their grandeur and the victim of their vices, reducing it to the melancholy ne-

cessity of supporting their consequence, and of sinking under their crimes, like the lion perishing by the poison of a reptile that finds shelter in the mane of the noble animal, while it is stinging him to death.

Ludicrous Description of the Election by Ballot.

But, my Lords, it seems all these defects, in point of accusation, of defence, of trial, and of judgment, as the ingenious gentlemen have argued, are cured by the magical virtue of those beans, by whose agency the whole business must be conducted. If the law had permitted a single word to be exchanged between the parties, the learned counsel confesses that much difficulty might arise in the events which I have stated; but they have found out all these difficulties are prevented or removed by the beans and the ballot. According to these gentlemen, we are to suppose one of those unshaven demagogues, whom the learned counsel have so humorously described, rising in the Commons when the name of Alderman James is sent down; he begins by throwing out a torrent of seditious invective against the servile profligacy and liquorish venality of the board of Aldermen—this he does by beans. Having thus previously inflamed the passions of his fellows, and somewhat exhausted his own, his judgment collects the reins that floated on the neck of his imagination, and be-

comes grave, compressed, sententious, and didactic; he lays down the law of personal disability, and corporate criminality, and corporate forfeiture, with great precision, with sound emphasis and good discretion, to the great delight and edification of the assembly—and this he does by beans.—He then proceeds, my Lords, to state the specific charge against the unfortunate candidate for approbation, with all the artifice and malignancy of accusation, scalding the culprit in tears of affected pity, bringing forward the blackness of imputed guilt through the varnish of simulated commiseration, bewailing the horror of his crime, that he may leave it without excuse; and invoking the sympathy of his judges, that he may steel them against compassion—and this, my Lords, the unshaved demagogue doth by beans.—The accused doth not appear in person, for he cannot leave his companions, nor by attorney, for his attorney could not be admitted—but he appears by beans.—At first, humble and deprecatory, he conciliates the attention of his judges to his defence, by giving them to hope that it may be without effect; he does not alarm them by any indiscreet assertion that the charge is false, but he slides upon them arguments to show it improbable; by degrees, however, he gains upon the assembly, and denies and refutes, and recriminates and retorts—all by beans—until at last he challenges his accuser to a

trial, which is accordingly had, in the course of which the depositions are taken, the facts tried, the legal doubts proposed and explained—by beans. And in the same manner the law is settled with an exactness and authority that remains a record of jurisprudence for the information of future ages; while at the same time the "harmony" of the metropolis is attuned by the marvellous temperament of jarring discord; and the "good will" of the citizens is secured by the indissoluble bond of mutual crimination and reciprocal abhorrence. By this happy mode of decision, one hundred and forty-six causes of rejection (for of so many do the Commons consist, each of whom must be entitled to allege a distinct cause) are tried in the course of a single day, with satisfaction to all parties. With what surprise and delight must the heart of the inventor have glowed, when he discovered those wonderful instruments of wisdom and eloquence, which, without being obliged to commit the precious extracts of science, or persuasion, to the faithless and fragile vehicles of words or phrases, can serve every process of composition or abstraction of ideas, and every exigency of discourse or argumentation, by the resistless strength and infinite variety of beans, white or black, or boiled or raw; displaying all the magic of their powers in the mysterious exertions of dumb investigation and mute discussion; of speechless objection and

tongue-tied refutation! Nor should it be forgotten, my Lords, that this notable discovery does no little honour to the sagacity of the present age, by explaining a doubt that has for so many centuries perplexed the labour of philosophic inquiry; and furnishing the true reason, why the pupils of Pythagoras were prohibited the use of beans. It cannot, I think, my Lords, be doubted that the great author of the metempsychosis found out that those mystic powers of persuasion, which vulgar naturalists supposed to remain lodged in minerals or fossils, have really transmigrated into beans; and he could not, therefore, but see that it would have been fruitless to preclude his disciples from mere oral babbling, unless he had also debarred them from the indulgence of vegetable *loquacity*.

His next recorded speech is in defence of Archibald Hamilton Rowan, Esq. accused of the publication of a seditious libel addressed from the Society of United Irishmen, at Dublin, to the Volunteers of Ireland. This speech is one of the finest, and, as far as public effect went, one of the most efficient ever pronounced by him. Yet he has been censured by ignorant men, as losing sight of his client in defence of abstract doctrines. The truth is, Mr. Curran received his brief

on that occasion on condition that he would attend rather to the justification of the principles of the publication than the acquittal of the author. Mr. Rowan was convicted, sentenced to a heavy fine and two years imprisonment; but through the affection of his lady, personally, it is said, like Madame Lavalette, instrumental in his escape, he eluded the vigilance of his enemies, and fled to America, the universal refuge of the virtuous and the oppressed. There he remained several years, subjected to many casualties, and chiefly subsisting by his own honourable exertions. After the political tempest in Ireland had subsided, he was permitted to return, pleaded the King's pardon, and now lives in the full enjoyment of his extensive estates, universally beloved, esteemed, and respected.

A few minutes before Mr. Curran rose to address the jury, a band of armed men was introduced into court, which drew from him the following fine exordium. It bears a striking resemblance to that of Cicero in his defence of Milo.

GENTLEMEN OF THE JURY,

When I consider the period at which this prosecution is brought forward; when I behold the extraordinary safeguard of armed soldiers resorted to, no doubt, for the preservation of peace and order; when I catch, as I cannot but do, the throb of public anxiety, which beats from one end to the other of this hall; when I reflect on what may be the fate of a man of the most beloved personal character, of one of the most respected families of our country; himself the only individual of that family, I may almost say of that country, who can look to that possible fate with unconcern?—Feeling, as I do, all these impressions, it is in the honest simplicity of my heart I speak, when I say, that I never rose in a court of justice with so much embarrassment, as upon this occasion.

If, gentlemen, I could entertain an hope of finding refuge for the disconcertion of my mind, in the perfect composure of yours; if I could suppose that those awful vicissitudes of human events, which have been stated or alluded to, could leave your judgments undisturbed, and your hearts at ease, I know I should form a most erroneous opinion of your character; I entertain no such chimerical hope; I form no such unworthy opinion; I expect not that your hearts can be more at ease than my own; I have no right to expect it; but I have a right to call upon you in the name of your

country, in the name of the living God, of whose eternal justice you are now administering that portion which dwells with us on this side the grave, to discharge your breasts, as far as you are able, of every bias of prejudice or passion; that, if my client be guilty of the offence charged upon him, you may give tranquillity to the public by a firm verdict of conviction; or if he be innocent, by as firm a verdict of acquittal; and that you will do this in defiance of the paltry artifices and senseless clamours that have been resorted to, in order to bring him to his trial with anticipated conviction. And, gentlemen, I feel an additional necessity of thus conjuring you to be upon your guard, from the able and imposing statement which you have just heard on the part of the prosecution. I know well the virtues and the talents of the excellent person who conducts that prosecution. I know how much he would disdain to impose upon you by the trappings of office; but I also know how easily we mistake the lodgment which character and eloquence can make upon your feelings, for those impressions that reason and fact and proof only ought to work upon our understandings.

Description of the Irish Volunteers.

Gentlemen, Mr. Attorney General has thought proper to direct your attention to the state and circumstances of public affairs at the time of this

transaction; let me also make a few retrospective observations on a period, at which he has but slightly glanced; I speak of the events which took place before the close of the American war. You know, gentlemen, that France had espoused the cause of America, and we became thereby engaged in a war with that nation.

Heu nescia mens hominum futuri!

Little did that ill-fated monarch know that he was forming the first causes of those disastrous events that were to end in the subversion of his throne, in the slaughter of his family, and the deluging of his country with the blood of his people. You cannot but remember that at a time when we had scarcely a regular soldier for our defence, when the old and young were alarmed and terrified with apprehensions of descent upon our coasts, Providence seemed to work a sort of miracle in our favour. You saw a band of armed men come forth at the great call of nature, of honour, and their country. You saw men of the greatest wealth and rank; you saw every class of the community give up its members, and send them armed into the field, to protect the public and private tranquillity of Ireland. It is impossible for any man to turn back to that period, without reviving those sentiments of tenderness and gratitude, which then beat in the public

bosom: to recollect amidst what applause, what tears, what prayers, what benedictions, they walked forth amongst spectators, agitated by the mingled sensations of terror and reliance, of danger and of protection; imploring the blessings of Heaven upon their heads, and its conquest upon their swords. That illustrious, and adored, and abused body of men, stood forward and assumed the title, which, I trust, the ingratitude of their country will never blot from its history, "the Volunteers of Ireland."

On the popular Representation.

Gentlemen, the representation of our people is the vital principle of their political existence. Without it they are dead, or they live only to servitude. Without it there are two estates acting upon and against the third, instead of acting in co-operation with it. Without it, if the people are oppressed by their judges, where is the tribunal to which their judges can be amenable? Without it, if they are trampled upon and plundered by a minister, where is the tribunal to which the offender shall be amenable? Without it, where is the ear to hear, or the heart to feel, or the hand to redress their sufferings? Shall they be found, let me ask you, in the accursed bands of imps and minions that bask in their disgrace, and fatten upon their spoils, and flourish upon their ruin?

But let me not put this to you as a merely speculative question. It is a plain question of fact: rely upon it, physical man is every where the same; it is only the various operation of moral causes that gives variety to the social or individual character and condition. How otherwise happens it, that modern slavery looks quiety at the despot, on the very spot where Leonidas expired? The answer is, Sparta has not changed her climate, but she has lost that government which her liberty could not survive.

On universal Emancipation.

I put it to your oaths; do you think, that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure? to propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it; giving, I say, in the so much censured words of this paper, giving "universal emancipation!" I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is

holy, and consecrated by the genius of universal emancipation. No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain, the altar and the God sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst around him, and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of universal emancipation.

On the Liberty of the Press.

What then remains? The liberty of the press only; that sacred palladium, which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury can ever destroy. And what calamities are the people saved from, by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from. I will tell you also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud,

and walks abroad. The demagogue goes forth: the public eye is upon him: he frets his busy hour upon the stage; but soon either weariness, or bribe, or punishment, or disappointment bears him down, or drives him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion of even individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber; the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both; the decisive instant is precipitated without warning, by folly on the one side or by frenzy on the other, and there is no notice of the treason till the traitor acts. In those unfortunate countries (one cannot read it without horror) there are officers whose province it is to have the water, which is to be drunk by their rulers, sealed up in bottles, lest some wretched miscreant should throw poison into the draught.

But, gentlemen, if you wish for a nearer and a more interesting example, you have it in the history of your own revolution: you have it at that memorable period, when the monarch found a servile acquiescence in the ministers of his folly; when the liberty of the press was trodden under foot; when venal sheriffs returned packed juries to carry into effect those fatal conspiracies of the few against the many; when the devoted benches of public justice were filled by some of those foundlings of fortune, who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies, while sanity remained in them; but at length becoming buoyant by putrefaction they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.

In that awful moment of a nation's travail, of the last gasp of tyranny, and the first breath of freedom, how pregnant is the example! The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore, of peace, of domestic liberty, and the lasting union of the two countries, I conjure you to guard the liberty of the press, that great centinel of the state, that grand detector of public imposture: guard it, because, when it sinks, there sink

with it, in one common grave, the liberty of the subject and the security of the crown.

Gentlemen, I am glad that this question has not been brought forward earlier: I rejoice for the sake of the court, of the jury, and of the public repose, that this question has not been brought forward till now. In Great Britain analogous circumstances have taken place. At the commencement of that unfortunate war which has deluged Europe with blood, the spirit of the English people was tremblingly alive to the terror of French principles; at that moment of general paroxysm, to accuse was to convict. The danger seemed larger to the public eye, from the misty medium through which it was surveyed. We measure inaccessible heights by the shadows which they project; where the lowness and the distance of the light form the length of the shade. There is a sort of aspiring and adventitious credulity, which disdains assenting to obvious truths, and delights in catching at the improbability of circumstances, as its best ground of faith. To what other cause, gentlemen, can you ascribe that in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been found guilty of a libel, for publishing those resolutions, to which the present minister of that kingdom had actually subscribed his name? To what other cause can you ascribe, what in my mind is still

more astonishing, in such a country as Scotland—a nation cast in the happy medium between the spiritless acquiescence of submissive poverty, and the sturdy credulity of pampered wealth; cool and ardent—adventurous and persevering—winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires; crowned as she is with the spoils of every art, and decked with the wreath of every muse; from the deep and scrutinizing researches of her Humes, to the sweet and simple, but not less sublime and pathetic morality of her Burns—how from the bosom of a country like that, genius, and character, and talents, should be banished to a distant barbarous soil; condemned to pine under the horrid communion of vulgar vice and base-born profligacy, for twice the period that ordinary calculation gives to the continuance of human life?

Description of Mr. Rowan.

Gentlemen, let me suggest another observation or two, if still you have any doubt as to the guilt or innocence of the defendant. Give me leave to suggest to you, what circumstances you ought to consider, in order to found your verdict. You should consider the character of the person accused; and in this your task is easy. I will venture to say, there is not a man in this nation,

more known than the gentleman who is the subject of this prosecution, not only by the part he has taken in public concerns, and which he has taken in common with many, but, still more so, by that extraordinary sympathy for human affliction, which, I am sorry to think, he shares with so small a number. There is not a day that you hear the cries of your starving manufacturers in your streets, you do not also see the advocate of their sufferings—that you do not see his honest and manly figure, with uncovered head, soliciting for their relief; searching the frozen heart of charity for every string that can be touched by compassion; and urging the force of every argument and every motive, save that which his modesty suppresses—the authority of his own generous example. Or if you see him not there, you may trace his steps to the abode of disease, and famine, and despair; the messenger of Heaven; bearing with him food, and medicine, and consolation. Are these the materials, of which we suppose anarchy and public rapine to be formed? Is this the man, on whom to fasten the abominable charge of goading on a frantic populace to mutiny and bloodshed? Is this the man likely to apostatize from every principle that can bind him to the state; his birth, his property, his education, his character, and his children? Let me tell you, gentlemen of the jury, if you agree with his prose-

cutors, in thinking there ought to be a sacrifice of such a man, on such an occasion, and upon the credit of such evidence, you are to convict him. Never did you, never can you give a sentence, consigning any man to public punishment with less danger to his person or to his fame: for where could the hireling be found to fling contumely or ingratitude at his head, whose private distresses he had not laboured to alleviate, or whose public condition he had not laboured to improve?

Peroration.

I cannot, however, avoid adverting to a circumstance that distinguishes the case of Mr. Rowan from that of a late sacrifice in a neighbouring kingdom. The severer law of the country, it seems, and happy for them that it should, enables them to remove from their sight the victim of their infatuation. The more merciful spirit of our law deprives you of that consolation; his sufferings must remain for ever before your eyes, a continual call upon your shame and your remorse. But these sufferings will do more: they will not rest satisfied with your unavailing condition; they will challenge the great and paramount inquest of society; the man will be weighed against the charge, the witness, and the sentence; and impartial justice will demand, Why has an Irish jury done this deed? The moment he ceases to be regarded as a cri-

minal, he becomes of necessity an accuser; and let me ask you, what can your most zealous defenders be prepared to answer to such a charge? When your sentence shall have sent him forth to that stage, which guilt alone can render infamous; let me tell you, he will not be like a little statue upon a mighty pedestal, diminishing by elevation; but he will stand a striking and imposing object upon a monument, which, if it does not (and it cannot) record the atrocity of his crime, must record the atrocity of his conviction. Upon this subject, therefore, credit me when I say, that I am still more anxious for you, than I can possibly be for him. I cannot but feel the peculiarity of your situation; not the jury of his own choice, which the law of England allows, but which ours refuses: collected in that box by a person, certainly no friend to Mr. Rowan, certainly not very deeply interested in giving him a very impartial jury. Feeling this, as I am persuaded you do, you cannot be surprised, however you may be distressed at the mournful presage with which an anxious public is led to fear the worst from your possible determination. But I will not, for the justice and honour of our common country, suffer my mind to be borne away by such melancholy anticipation. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, that

your verdict will send him home to the arms of his family and the wishes of his country. But if, which Heaven forbid! it hath still been unfortunately determined, that because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God, that there is a redeeming spirit in the constitution, which will be seen to walk with the sufferer through the flame, and to preserve him unhurt by the conflagration.

When Mr. Curran terminated this magnificent exertion, the universal shout of the audience testified its enthusiasm. He used to relate a ludicrous incident which attended his departure from court after this trial. His path was altogether impeded by the populace, who wanted to chair him. He implored —he entreated—all in vain. At length, pretending to assume an air of authority, he addressed those nearest to him—"I desire, gentlemen, you will desist."—An immense-sized brawny Irish chairman, eying him with a kind of contemptuous affection from top to toe, immediately addressed his neighbour, who appeared to hesitate—"Arrah—blood and ouns!—Pat—never mind the *little crea-*

ture—toss him up this minute upon my *shoulder.*"—Pat did as he was directed—Curran was immediately, *nolens, volens, tossed up upon his shoulder*—hurried to his carriage, and drawn home in triumph.

The next trial of any consequence which I can find on record, was that of the unfortunate William Jackson, a clergyman of the Church of England, accused and convicted of high treason in the year 1794. Mr. Curran and Mr. Ponsonby were his principal counsel. He was convicted on the testimony of a Mr. Cockayne, an English solicitor, of whom, in his speech to the jury, Mr. Curran gives the following description. It was reported by Mr. Sampson, then at the Irish bar, but who has since emigrated to America, where, I am glad to hear, he is practising with success. It is not to be found in the London collection.

GENTLEMEN OF THE JURY,

I am scarcely justified in having trespassed so long. It is a narrow case. It is the case of a man charged with the most penal offence, and *by whom?* By one witness; and who is he? A man,

stating to you that he comes from another country, provided with a pardon for treasons committed, not in Great Britain, but in this kingdom here, of Ireland. Have you ever been upon a jury before? Did you ever hear of a man sacrificing his life to the law of the country upon the testimony of a single witness; and that single witness, by his own confession, an accomplice in the crime? What, is character made the subject of support? Take his own vile evidence for his character, he was the traitor to his client. And what think you of his character? He was the spy that hovered round his friend, and snuffed his blood, and coveted the price that was to be given him for shedding it! He was the man who yielded to the tie of three oaths of allegiance, to watch and be the setter of his client—to earn the bribe of Government—secure with his pardon already in his pocket. He was to put letters in the post-office—to do what he stated himself pressed upon his mind, the conviction that he was liable to the penalties of treason; and this very act did he do from the obligation of three oaths of allegiance. Was he aware of his crime?—His pardon tells it. Was he aware of the turpitude of his character? Yes; he brought a witness to support it—knowing that it was bad, he came provided with an antidote. Is it a man of that kind?—His pardon in his pocket—his bribe not yet within his pocket until you by

your verdict shall say he is worthy of it! Is it such a man whose evidence shall take away his fellow-creature's life? He came over to be a spy —to be a traitor—to get a pardon, and to get a reward—although, if you believe him, it was to be all common *agreeable* work, to be paid for, like his other ordinary business, by the day, or by the sheet. He was to be paid so much a day for ensnaring and murdering his client and his friend! Do you think the man deserving of credit who can do such things? No, gentlemen of the jury; I have stated the circumstances by which in my opinion the credit of Mr. Cockayne should be as nothing in your eyes.

A motion was made by his counsel in arrest of judgment, and argued at great length by Mr. Curran and Mr. Ponsonby; but while the latter gentleman was in the midst of his argument, a very serious change was observed to take place in the countenance of the prisoner. Lord Clonmell immediately ordered a medical investigation into the state of his health. The physician in attendance stated that there was every appearance of approaching dissolution, and the fact too fatally verified his prediction; for the unfortunate man expired in the dock, while pre-

parations were making for his removal. It turned out afterwards, on the inquest, that he had taken poison, to avoid the *attaint* and other consequences of his sentence. Curran was very angry with Lord Clonmell upon this trial: a friend said to him—"Never mind it, Curran; he'll soon follow your client—he's dying."—"He!" said Curran; "by the Lord, he's such a fellow, that he'll *live or die*, just as it happens *to suit his own convenience.*"

The next speech of any consequence reported of Mr. Curran's, is that upon the trial of Mr. Peter Finnerty for a libel upon Lord Camden's administration in the year 1797, immediately preceding a very memorable rebellion in Ireland. Mr. Finnerty was the publisher of a newspaper called The Press, to which the most distinguished literary characters of the Opposition of that day contributed. I have every reason to believe that Mr. Curran himself was amongst the number. The immediate circumstances in which this prosecution originated were these:—a person of the name of William Orr had been tried and convicted at a preceding assizes of Carrickfergus, before Lord Avonmore, for adminis-

tering an unlawful oath. Some of the jury who tried Orr were induced subsequently to make an affidavit, declaring that they were *intoxicated* when they agreed to their verdict, and beseeching that mercy might be extended to the convict. The memorial was transmitted to the Castle—Orr was several times respited; but after the mature deliberation of the Privy Council, the law was allowed to take its course, and he was accordingly executed. His fate excited great interest at the time, and the circumstances attending it underwent much discussion. A letter bearing the signature of *Marcus*, appeared in the Press upon the subject, couched in very indignant and very eloquent language. Mr. Finnerty was indicted as publisher, tried, convicted, and pilloried in consequence. The result, however, was considered very far from discreditable to him, and his punishment was regarded as a sort of penal triumph. ' He was accompanied by some of the most leading men in the country, and repeatedly and enthusiastically cheered by the populace. The political feeling of the day was strongly in his favour—the trial on which his paper had descanted, was in

the mildest parlance a very singular one; and more than all, it was generally, and, I believe, truly understood that Mr. Finnerty might have averted the prosecution from himself, by surrendering *Marcus* up to the vengeance of the government. This, however, his principles restrained him from doing; and his highly honourable determination converted, in the estimation of many, the convict into the martyr. Mr. Curran, who managed his defence, was not ashamed of his intimacy, and, to my knowledge, held him to the day of his death in a very high degree of estimation. Finnerty was one of the few admitted to his funeral. Curran's speech upon the trial of this gentleman, is a masterpiece of eloquence, and it is difficult to select one passage more splendid than another. The following, however, appear to me extremely beautiful.

On the Liberty of the Press.

GENTLEMEN OF THE JURY,

Other matters have been mentioned, which I must repeat for the same purpose; that of showing you that they have nothing to do with the question. The learned counsel has been pleased

to say, that he comes forward in this prosecution as the real advocate for the liberty of the press, and to protect a mild and merciful government from its licentiousness; and he has been pleased to add, that the constitution can never be lost while its freedom remains, and that its licentiousness alone can destroy that freedom. As to that, gentlemen, he might as well have said, that there is only one mortal disease of which a man can die; I can die the death inflicted by tyranny; and when he comes forward to extinguish this paper in the ruin of the printer by a state prosecution, in order to prevent its dying of licentiousness, you must judge how candidly he is treating you, both in the fact and the reasoning. Is it in Ireland, gentlemen, that we are told licentiousness is the only disease that can be mortal to the press? Has he heard of nothing else that has been fatal to the freedom of publication? I know not whether the printer of the Northern Star ever heard of such things in his captivity; but I know that his wife and his children are well apprized that a press may be destroyed in the open day, not by its own licentiousness, but by the licentiousness of a military force. As to the sincerity of the declaration, that the state has prosecuted in order to assert the freedom of the press, it starts a train of thought, of melancholy retrospect and direful prospect, to which I did not think the learned counsel would have

wished to commit your minds. It leads you naturally to reflect at what times, from what motives, and with what consequences, the government has displayed its patriotism, by these sorts of prosecutions. As to the motives, does history give you a single instance in which the state has been provoked to these conflicts, except by the fear of truth, and by the love of vengeance? Have you ever seen the rulers of any country bring forward a prosecution from motives of filial piety, for libels upon their departed ancestors? Do you read that Elizabeth directed any of those state prosecutions, against the libels which the divines of her times had written against her Catholic sister; or against the other libels which the same gentlemen had written against her Protestant father? No, gentlemen, we read of no such thing; but we know she did bring forward a prosecution from motives of personal resentment; and we know that a jury was found, timeserving and mean enough to give a verdict, which she was ashamed to carry into effect. I said, the learned counsel drew you back to the times that have been marked by these miserable conflicts. I see you turn your thoughts to the reign of the second James. I see you turn your eyes to those pages of governmental abandonment, of popular degradation, of expiring liberty, and merciless and sanguinary persecution; to that miserable period, in which the fallen and

abject state of man, might have been almost an argument in the mouth of the atheist and the blasphemer, against the existence of an all-just and an all-wise First Cause; if the glorious æra of the revolution that followed it, had not refuted the impious inference, by showing, that if man descends, it is not in his own proper motion; that it is with labour and with pain; and that he can continue to sink only, until, by the force and pressure of the descent, the spring of his immortal faculties acquires that recuperative energy and effort that hurries him as many miles aloft—he sinks, but to rise again. It is at that period that the state seeks for shelter in the destruction of the press; it is in a period like that, that the tyrant prepares for an attack upon the people, by destroying the liberty of the press; by taking away that shield of wisdom and of virtue, behind which the people are invulnerable; in whose pure and polished convex, ere the lifted blow has fallen, he beholds his own image, and is turned into stone. It is at these periods that the honest man dares not speak, because truth is too dreadful to be told. It is then humanity has no ears, because humanity has no tongue. It is then the proud man scorns to speak, but, like a physician baffled by the wayward excesses of a dying patient, retires indignantly from the bed of an unhappy wretch, whose ear is too fastidious to bear the sound of wholesome advice,

whose palate is too debauched to bear the salutary bitter of the medicine that might redeem him; and therefore leaves him to the felonious piety of the slaves that talk to him of life, and strip him before he is cold. I do not care, gentlemen, to exhaust too much of your attention, by following this subject through the last century with much minuteness; but the facts are too recent in your mind not to show you that the liberty of the press, and the liberty of the people, sink and rise together; that the liberty of speaking, and the liberty of acting, have shared exactly the same fate. You must have observed in England, that their fate has been the same in the successive vicissitudes of their late depression; and sorry I am to add, that this country has exhibited a melancholy proof of their inseparable destiny, through the various and further stages of deterioration down to the period of their final extinction; when the constitution has given place to the sword, and the only printer in Ireland, who dares to speak for the people, is now in the dock.

An Appeal to the Jury on the Facts which led to the Prosecution.

Gentlemen, Mr. Attorney General has been pleased to open another battery upon this publication, which I do trust I shall silence, unless I flatter myself too much in supposing that hitherto

my resistance has not been utterly unsuccessful. He abuses it for the foul and insolent familiarity of its address. I do clearly understand his idea: he considers the freedom of the press to be the license of offering that paltry adulation which no man ought to stoop to utter or to hear; he supposes the freedom of the press ought to be like the freedom of a king's jester, who, instead of reproving the faults of which majesty ought to be ashamed, is base and cunning enough, under the mask of servile and adulatory censure, to stroke down and pamper those vices of which it is foolish enough to be vain. He would not have the press presume to tell the Viceroy that the prerogative of mercy is a trust for the benefit of the subject, and not a gaudy feather stuck into the diadem to shake in the wind, and by the waving of the gay plumage to amuse the vanity of the weaver. He would not have it said to him, that the discretion of the Crown as to mercy, is like the discretion of a court of justice as to law; and that in the one case, as well as the other, wherever the propriety of the exercise of it appears, it is equally a matter of right. He would have the press all fierceness to the people, and all sycophancy to power; he would have it consider the mad and phrenetic depopulations of authority, like the awful and inscrutable dispensations of Providence, and say to the unfeeling and despotic despoiler in the blasphemed and insulted

language of religious resignation—"The Lord hath given, and the Lord hath taken away, blessed be the name of the Lord!" But let me condense the generality of the learned gentleman's invective into questions that you can conceive. Does he mean that the air of this publication is rustic and uncourtly? Does he mean to say, that when Marcus presumed to ascend the steps of the Castle, and to address the Viceroy, he did not turn out his toes as he ought to have done? But, gentlemen, you are not a jury of dancing-masters. Or does the gentleman mean that the language is coarse and vulgar? If this be his complaint, my client has but a poor advocate. I do not pretend to be a mighty grammarian, or a formidable critic; but I would beg leave to suggest to you in serious humility, that a free press can be supported only by the ardour of men who feel the prompting sting of real or supposed capacity; who write from the enthusiasm of virtue, or the ambition of praise, and over whom, if you exercise the rigour of a grammatical censorship, you will inspire them with as mean an opinion of your integrity as your wisdom, and inevitably drive them from their post —and if you do, rely upon it, you will reduce the spirit of publication, and with it the press of this country, to what it for a long interval has been, the register of births, and fairs, and funerals, and the general abuse of the people and their friends.

But, gentlemen, in order to bring this charge of insolence and vulgarity to the test, let me ask you, whether you know of any language which could have adequately described the idea of mercy denied when it ought to have been granted, or of any phrase vigorous enough to convey the indignation which an honest man would have felt upon such a subject? Let me beg of you, for a moment, to suppose that any one of you had been the writer of this very severe expostulation with the Viceroy, and that you had been the witness of the whole progress of this never-to-be-forgotten catastrophe. Let me suppose that you had known the charge upon which Mr. Orr was apprehended, the charge of abjuring that bigotry which had torn and disgraced his country, of pledging himself to restore the people of his country to their place in the constitution, and of binding himself never to be the betrayer of his fellow-labourers in that enterprise; that you had seen him upon that charge removed from his industry, and confined in a gaol; that through the slow and lingering progress of twelve tedious months you have seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive, cheered by no sound but the cries of his family, or the clinking of chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer

deposing against his life; that you had seen the drunken, and worn-out, and terrified jury give in a verdict of death; that you had seen the jury, when their returning sobriety had brought back their consciences, prostrate themselves before the humanity of the bench, and pray that the mercy of the Crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood. Let me suppose that you had seen the respite given, and that contrite and honest recommendation transmitted to that seat, where mercy was presumed to dwell; that new and unheard-of crimes are discovered against the informer; that the royal mercy seems to relent, and that a new respite is sent to the prisoner; that time is taken, as the learned counsel for the Crown has expressed it, to see whether mercy could be extended or not! that after that period of lingering deliberation passed, a third respite is transmitted; that the unhappy captive himself feels the cheering hope of being restored to a family he adored, to a character he had never stained, and to a country that he had ever loved; that you had seen his wife and children upon their knees, giving those tears to gratitude, which their locked and frozen hearts could not give to anguish and despair, and imploring the blessings of Providence upon his head, who had graciously spared the father, and restored him to

his children; that you have seen the olive-branch sent into his little ark, but no sign that the waters had subsided.

——"Alas! nor wife nor children more
Shall he behold, nor friends, nor sacred home!"

No seraph mercy unbars his dungeon, and leads him forth to light and life; but the minister of death hurries him to the scene of suffering and of shame; where, unmoved by the hostile array of artillery and armed men collected together, to secure, or to insult, or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath in a prayer for the liberty of his country. Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation? Would you have stooped to the meanness of qualified complaint—would you have been mean enough—— But I entreat your forgiveness—I do not think meanly of you. Had I thought so meanly of you, I could not suffer my mind to commune with you as it has done; had I thought you that base and vile instrument, attuned by hope and by fear, into discord and falsehood, from whose vulgar string no groan of suffering could vibrate, no voice of honour or integrity could speak; let me honestly tell you, I should have scorned to

string my hand across it—I should have left it to a fitter minstrel. If I do not therefore grossly err in my opinion of you, I could use no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that would not disgrace these feelings, if attempting to describe them. Gentlemen, I am not unconscious that the learned counsel for the Crown seemed to address you with a confidence of a very different kind; he seemed to expect a kind of respectful sympathy from you with the feelings of the Castle, and the griefs of chided authority. Perhaps, gentlemen, he may know you better than I do; if he does, he has spoken to you as he ought; he has been right in telling you, that if the reprobation of this writer is weak, it is because his genius could not make it stronger; he has been right in telling you that his language has not been braided and festooned as elegantly as it might; that he has not pinched the miserable plaits of his phraseology; nor placed his patches and feathers with that correctness of millinery which became so exalted a person. If you agree with him, gentlemen of the jury; if you think that the man who ventures, at the hazard of his own life, to rescue from the deep the drowned honour of his country, must not presume upon the guilty familiarity of plucking it by the locks, I have no more to say. Do a courteous thing. Upright and honest jurors, find a civil and obliging verdict against the printer! And

when you have done so, march through the ranks of your fellow-citizens to your own homes, and bear their looks as they pass along, retire to the bosom of your families; and when you are presiding over the morality of the parental board, tell your children, who are to be the future men of Ireland, the history of this day. Form their young minds by your precepts, and confirm those precepts by our own example; teach them how discreetly allegiance may be perjured on the table, or loyalty be forsworn in the jury-box; and when you have done so, tell them the story of Orr; tell them of his captivity, of his children, of his crime, of his hopes, of his disappointments, of his courage, and of his death; and when you find your little hearers hanging upon your lips, when you see their eyes overflow with sympathy and sorrow, and their young hearts bursting with the pangs of anticipated orphanage, tell them that you had the boldness and the justice to stigmatize the monster—*who had dared to publish the transaction !!!*"

On the Conduct of the Irish Government and the Employment of Informers.

I tell you therefore, gentlemen of the jury, it is not with respect to Mr. Orr that your verdict is now sought; you are called upon on your oaths to say, that the government is wise and merciful, that the people are prosperous and happy, that

military law ought to be continued, that the British constitution could not with safety be restored to this country, and that the statements of a contrary import by your advocates in either country were libellous and false. I tell you these are the questions, and I ask you, can you have the front to give the expected answer in the face of a community who know the country as well as you do? Let me ask you, how could you reconcile it with such a verdict, the gaols, the tenders, the gibbets, the conflagrations, the murders, the proclamations that we hear of every day in the streets, and see every day in the country? What are the processions of the learned counsel himself circuit after circuit? Merciful God! what is the state of Ireland, and where shall you find the wretched inhabitant of this land? You may find him perhaps in a gaol, the only place of security, I had almost said, of ordinary habitation; you may see him flying by the conflagrations of his own dwelling; or you may find his bones bleaching in the green fields of his country; or he may be found tossing upon the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that drift him to a returnless distance from his family and his home. And yet with these facts ringing in the ears, and staring in the face of the prosecutor, you are called upon to say, on your oaths, that these facts do not exist. You are called upon, in defiance of shame, of truth, of honour, to

deny the sufferings under which you groan, and to flatter the persecution that tramples you under foot. But the learned gentleman is further pleased to say that the traverser has charged the government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls, and upon the solemnity of your oaths. You are upon your oaths to say to the sister country, that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, what do you feel, when in my hearing, when in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you, know by the testimony of your own eyes to be utterly and absolutely false? I speak not now of the public proclamation of informers, with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen, day after day during the course of this commission from the box where you are now sitting; the number of horrid miscreants who avowed upon their oaths, that they had come from the seat of government—from the Castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows; that the mild and wholesome coun-

cils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness. Is this fancy, or is it fact? Have you not seen him after his resurrection from that tomb, after having been dug out of the region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked, when he entered, how the stormy wave of the multitude retired at his approach? Have you not marked how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential honour? How his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death; a death which no innocence can escape, no art elude, no force resist, no antidote prevent. There was an antidote—a juror's oath—but even that adamantine chain that bound the integrity of man to the throne of eternal justice, is solved and melted in the breath that issues from the informer's mouth; conscience swings from her mooring, and the appalled and affrighted juror consults his own safety in the surrender of the victim;

> Et quæ sibi quisque timebat,
> Unius in miseri exitium conversa tulere.

Shortly after this trial, the year 1798, a year written in blood in the annals of Ireland, arrived. Whether the account of the proceedings of Government, as detailed by Mr. Curran in the preceding speech, be true, or whether the natural spirit of the Irish people led them to an unjustifiable discontent against their rulers, it is not for me to decide; but a rebellion was now engendered, quite unparalleled in the ferocity of its character. The people rose in great strength in different quarters, and a French invasion in some degree organized the exasperated rabble. It would be revolting to repeat, and perhaps impossible to convince the English reader of all the miseries which the violence of one party, and the fierce, unsparing, and unpitying reprisals of the other, inflicted during this frightful period. Military tribunals superseded law—summary executions excluded mercy—and rape, murder, torture, and conflagration, alternately depopulated and deformed the country. At such a season, Justice might be said *not to have time* to deliberate. Her victims were often denounced indiscriminately; often selected by personal hatred or religious prejudice; and too often desperately

flung upon the pile rebellion lighted, in the hope that blood might drown its conflagration! It was a tremendous scene: Government, on the one hand, terrified into desperation; sedition, on the other, preferring death to endurance; and, in the few intervals which fatigue, rather than humanity, created, Religion waving aloft her "fiery cross," and exciting her clans to a renewal of the combat! The animosity rose at last to such an height, that political differences were almost considered as revolutionary symptoms; and the man who dared be liberal, seldom escaped the imputation of being rebellious. The consequence was, that the principal political opponents of Government retired from the country. The Habeas Corpus Act was suspended, and the slightest suspicious surmise was the prelude to a lingering imprisonment. Mr. Curran's situation was at this period extremely critical. Many barristers were implicated in the political transactions of the day; and his language, always constitutional, had been, however, always in a tone of high defiance. He was certainly marked out by the adherents of Government as peculiarly obnoxious; and many there were who would

with pleasure have seen him ascend that scaffold which he was every day despoiling of its almost predestined victims. It is said, indeed, that he was at this time indebted for his security to the good Lord Kilwarden, who, from the very infancy of his professional career, seems to have watched over him like a guardian angel. Be this as it may, however, he plainly proved that he was not to be intimidated. He stood boldly and even indignantly forward, commencing what might be called a system of defensive denunciation. He advocated the accused; he arraigned the Government; he thundered against the daily exhibition of torture; he held up the informers to universal execration; and, at the hourly hazard of the bayonet or the dungeon, he covered the selected victim with the shield of the constitution. It is at this period of his professional career that the friend of liberty must delight to contemplate him. If he had not been, at least politically, as unstained as the ermine, he must have fallen a victim; and, with this consciousness, how nobly does he appear, wielding all the energies of law and eloquence in defence of the accused! Many there are who may well remember him

rising in the midst of his *military audience*, only excited by the manifest indignation of their aspect to renewed and more undaunted efforts. In every great case of high treason he was almost invariably assigned as counsel; and those who have throbbed with delight over the eloquence he exhibited, will grieve to hear that at the very time he was oppressed by severe personal indisposition, and obliged to submit, in a few months after, to a very severe surgical operation. On his way to London for that purpose, he paid a short visit to Donington Park, in Leicestershire, the seat of his noble friend, Lord Moira; and the state of his mind may be inferred from the following beautiful relic, addressed by him, with a copy of Carolan's Irish airs, to the Lady Charlotte Rawdon.

And she said unto her people, Lo! he is a wanderer, and in sadness; go, therefore, and give him food, that he be not hungry—and wine, that he be comforted. And they fed him, and gave him wine, and his heart was glad. And when he was departing, he said unto her, I will give unto thee a book: it containeth the songs of the bards of Erin, of the bards of the days that are gone. And these bards were prophets, and the griefs of the times

to come were showed unto them, and their hearts were sore troubled, and their songs—yea, even the songs of their joy—were full of heaviness. This book, said he, will I give thee, and it shall be a memorial of the favours thou showedst unto me. And I will pray a prayer for thee, and it shall be heard, that thy days may be happy, and that, if sorrow should come unto thee, it may be only for a short time, and that thou mayest find comfort, even as I have done, so that thou mayest say, even as I have said, Truly I did not take heed unto my words when I said that I was as one without hope: surely I am not a wanderer; neither am I in a land of strangers.

LINES WRITTEN IN A LEAF OF THE BOOK.

"By the waters of Babylon we sat down, and wept when we remembered thee, O Sion!"

——Carolan, thy happy love
No jealous doubts, no pang can prove;
Thy generous Lord is kind as brave,
He loves the bard and scorns the slave;
And Charlotte deigns to hear thy lays,
And pays thee not with thoughtless praise;
With flowery wreaths the cup is crown'd,
The frolic laugh, the song goes round:
The "hall of shells," the merry throng
Demand thy mirth, demand thy song;
Her echoes wait to catch thy strain,
And sweetly give it back again:
Then, happy bard! awake thy fire,
Awake the *heart-string* of thy lyre,

Invoke thy muse!—thy muse appears,
But rob'd in sorrow, rob'd in tears!
No blithesome tale, alas! she tells,
No glories of the hall of shells;
No joy she whispers to thy lays,
No note of love, no note of praise,
But to thy boding thought she shows
The forms of Erin's future woes;
The wayward fates that crown the slave,
That mar the wise, that crush the brave;
The tyrant's frown, the patriot's doom,
The mother's tears, the warrior's tomb.
In vain would mirth inspire thy song,
Grief heaves thine heart and claims thy tongue—
The strain from joy to sadness turns,
The bard would laugh—the prophet mourns.

He had, indeed, at this time fallen into the most extreme dejection. His corporal sufferings acutely added to the distress of his mind at the melancholy situation of his beloved country: he saw that country preyed upon by the very worst passions; he felt himself suspected, because he had done his duty; and he determined, should he survive his sufferings and his fatigue, to abandon Ireland for ever, and ask, as he said himself, a grave from America. To this afterwards happily relinquished determination, he thus beautifully alludes in his speech in the case of Mr. Justice Johnston.

No, my Lords, I have no fear for the ultimate safety of my client. Even in these very acts of brutal violence which have been committed against him, do I hail the flattering hope of final advantage to him; and not only of final advantage to him, but of better days and more prosperous fortune for this afflicted country—that country of which I have so often abandoned all hope, and which *I have been so often determined to quit for ever.*

> "Sæpe vale dicto multa sum deinde locutus,
> Et quasi discedens oscula summa dabam,
> Indulgens animo, pes tardus erat."

But I am reclaimed from that infidel despair. I am satisfied, that, while a man is suffered to live, it is an intimation from Providence that he has some duty to discharge, which it is mean and criminal to decline. Had I been guilty of that ignominious flight, and gone to pine in the obscurity of some distant retreat, even in that grave I should have been haunted by those passions by which my life had been agitated—

> "Quæ cura vivos, eadem sequitur tellure repostos."

And if the transactions of this day had reached me, I feel how my heart would have been agonized by the shame of the desertion; nor would my sufferings have been mitigated by a sense of the feebleness of that aid, or the smallness of that service,

which I could render or withdraw. They would have been aggravated by the consciousness that, however feeble or worthless they were, I should not have dared to thieve them from my country. I have repented—I have stayed—and I am at once rebuked and rewarded by the happier hopes which I now entertain.

It is very fortunate that he was thus redeemed from that infidel despair, for some of his finest flights of eloquence were delivered after that period. There are some, and only some, of these preserved, at least in a way to justify his reputation. Of others, indeed, by incessant labour, I have found some traces, but they are all stamped with the sin of the reporters. His fine oration against the Marquis of Headfort shall be given entire as an Appendix, because its morality is so sublime and its subject so interesting, that it would be a pity to mutilate what may be extensively useful. In a few years after this speech had been delivered, he was, strange to say, through the jocularity of a common friend, introduced to the noble defendant in St. James's Street. It is a mistake to suppose, as has been asserted, that he declined all advocacy in actions for

criminal conversation from the period of his own domestic calamity down to that of the trial against Lord Headfort. The fact is, in the very year preceding, he obtained one thousand pounds damages in the case of Pentland against Clarke. It is not reported in the printed volume; but it was tried before Lord Avonmore, the very same judge who presided on the trial of Mr. Curran's own action. The chief argument against him on that lamentable occasion was his own alleged inconstancy; and there is a most curious passage in the speech before me, in which he takes occasion to anticipate that ground of defence, and leaves his own opinions on a subject on which, whether justly or unjustly, he was supposed to be so much interested. This speech is very little known.

There is a species of defence, which perhaps the gentlemen on the other side may attempt to set up; I mean that of recrimination: and I have been led to think that acts of this kind proved against the husband ought not to prevent him from recovering damages for the seduction of his wife; for the consequence arising from illicit connexions is widely different with respect to the husband and the wife: casual revelry and immo-

rality in the husband is not supposed to cast an indelible disgrace upon the wife, and cannot defraud the children of their property, by introducing a spurious offspring, to which the infidelity of the wife may lead. Errors of this kind in the husband may not arise from an actual turpitude of heart: he may have committed errors of this kind, and yet be a good father; he may be a good citizen, he may be a good husband, notwithstanding he may not be entirely without blemish. I am not speaking of a constant scene of riot and excessive debauchery, but of acts which, though they are to be condemned, it is possible to atone for by subsequent good conduct. Could the ill conduct of the husband entail upon the wife the character of a prostitute?—No; but the consequences resulting from the conduct of the wife are of a very different complexion indeed.

It was about this period, that, to the eternal ruin of Irish independence, and the eternal disgrace of the Irish Parliament, the *Union* passed. This is not the place to detail the history of that ill-omened measure; and I am not sorry that, even if it were, I have not temper for the office. Mr. Curran was not then in the House of Commons, but his sentiments on the subject are no secret. In-

deed, so long before its perpetration as the year 1796, with a prophetic spirit, he anticipated at once the attempt and its consequences. "If any one desires to know," said he, "what an union with Great Britain would be, I will tell him. It would be the emigration of every man of consequence from Ireland; it would be the participation of British taxes without British trade; it would be the extinction of the Irish name as a people: we should become a wretched colony, perhaps leased out to a company of Jews, as was formerly in contemplation, and governed by a few tax-gatherers and excisemen, unless possibly you may add fifteen or twenty couple of Irish members, who might be found every session sleeping in their collars under the manger of the British minister." The measure was afterwards proposed and carried; and so true has been, at least, the commencement of the prophecy, that there is scarcely a nobleman's house in Dublin which has not been converted into an hotel. Even the metropolitan residence of Ireland's only duke was sold the other day to a literary institution. Alas! if *the old Duke of Leinster could but look out of his grave!* Curran never could

keep his temper upon the subject of the Union, and it would not be very safe for me to unfold the corruptions of which he told me he was at that time conscious.—*A time, however, may come!* He was one day, shortly after the debate, setting his watch at the Post-office, which was then opposite the late Parliament-house, when a noble member of the House of Lords, who had voted for the Union, said to him, with an unblushing jocularity, "Curran, what do they mean to do with that useless building? for my part, I am sure I hate even the sight of it."—"I do not wonder at it, my Lord," replied Curran, contemptuously; "I never yet heard of *a murderer* who was not afraid of *a ghost.*"

About this period he was in the habit of going regularly to England, where he was intimate with the leading men in literature and politics. Among these, the late Mr. Horne Tooke appeared to be his favourite; their principles very much coincided, and he gave, from all the men with whom he was ever acquainted, the palm of conversational excellence to the philosopher of Purley. With Mr. Sheridan, Madame de Stael, Mr. Monroe,

the present President of America, Mr. Moore, Mr. Godwin, and, indeed, almost all the eminent characters of the day, he was personally acquainted. His intimacy with the latter gentleman, particularly, was of long duration, and he very much esteemed him. Indeed, so reciprocal was their affection for one another, that Mr. Godwin has dedicated his last novel to "the memory of Curran, *the sincerest friend he ever had.*" The dedication, of which there is no living man but might be proud, is very creditable to the independence of Mr. Godwin's character. Indeed, during their entire intercourse, the most unrestrained sincerity existed; and of this, upon the part of Godwin, Curran used to relate a very ludicrous and characteristic instance. Godwin had gone on a visit to the Priory, where he had at once an opportunity of enjoying the society of his friend and of studying the manners of a new people. During the visit, one of those forensic occasions occurred which called forth the full display of Curran's oratorical talents. He was naturally anxious that his English guest should hear him to advantage; and he not only brought him to court in his carriage, but took care that he

should have every convenient accommodation in the gallery. The cause came on; Curran exerted all his powers; and never, in the opinion of many, with happier effect. The carriage was ordered, and the orator took his station, fully prepared for Godwin's valuable eulogium. There was the most provoking silence: the weather, the bridges, the buildings, in short, the most common-place topics, alone interrupted it. Curran at length lost all patience: "What did you think, my dear Godwin, of our cause to-day?"—"O! I had forgotten," answered the philosopher, with the utmost apathy; "I am very glad I heard you, Curran; I think I can now form some idea *of your* MANNER!" The panegyric was certainly not very extravagant; and Curran never failed afterwards, with the most jocular simplicity, half jest, half earnest, to relate it as an instance of Godwin's *want of taste.*

With Lord Erskine, his celebrated rival at the English bar, he was also in habits of some intimacy. He had a very high respect for his powers; but, aware of the comparison which the world naturally instituted between

them, he rather avoided the topic. His Lordship, it is said, once provoked a sarcasm from Curran; very unusual, indeed, for his wit was not ill-natured. It was a few years after the Irish Union, and immediately after Mr. Grattan's *debut* in the Imperial Parliament. The conversation after dinner naturally turned on the very splendid display of the Irish orator. Lord Erskine, as Curran imagined, exhibited rather an uncalled-for fastidiousness, and of Mr. Grattan's fame he was almost as jealous as of his own. The conversation proceeded. "Come, come," said his Lordship, "confess at once, Curran, was not Grattan a little intimidated at the idea of a first appearance before the British Parliament?" The comparison galled Curran to the quick. "Indeed, my Lord, I do not think he was; nor do I think he had any reason: when he succeeded so splendidly with so eloquent and so discriminating a body as the Irish House of Commons, he need not have apprehended much from any foreign criticism."—"Well, but, Curran, did he not confess he was afraid, no matter what might be the groundlessness of his apprehensions—did you not *hear him* say so? Come, come,"

continued His Lordship, a little pertinaciously—"Indeed, my good Lord, I never did—Mr. Grattan is a very modest man—*he never speaks of himself:*" was the sarcastic and silencing rejoinder.

Some time afterwards they met at the table of an illustrious personage. The royal host, with much complimentary delicacy, directed the conversation to the profession of his celebrated visitors. Lord Erskine very eloquently took the lead. He descanted in terms which few other men could command on the interesting duties of the bar, and the high honours to which its success conducted. "No man in the land," said he, "need be ashamed to belong to such a profession: for my part, of a noble family myself, I felt no degradation in practising it; it has added, not only to my wealth, but to my dignity." Curran was silent; which the host observing, called for his opinion. "Lord Erskine," said he, "has so eloquently described all the advantages to be derived from the profession, that I hardly thought my poor opinion was worth adding; but perhaps it was—perhaps I am a better practical instance of its advantages

even than his Lordship—he was ennobled by birth before he came to it; but it has," said he, making an obeisance to his host—"it has in my person raised the *son of a peasant to the table of his Prince.*" Nothing in the world, perhaps, could be more dignified than the humility of the allusion. But Mr. Curran had too great a mind not to feel that he was in reality ennobled by the obscurity of his origin. The accident of birth is surely no personal merit of its possessor; and too true it is, that the pure fountain of hereditary honour often degenerates into a polluted channel. But the founder of his own dignities creates himself that pedigree, which, according to their conduct, may either shame or ennoble his posterity. During the short peace of 1802 he revisited France, a country which, of course, he had not seen for many years. He was intimate with several distinguished characters, and amongst the rest he was fond of recollecting the celebrated Abbé Gregoire. To the Consular levees, however, he could not be admitted, as he never had been introduced at the British court, a preliminary which was, it seems, indispensable in the republican etiquette. On his return home, when questioned whether

he had been introduced to Buonaparte, he quaintly answered, that no person who had not been baptized at St. James's, could be confirmed at St. Cloud. During this visit he fell into the deepest melancholy, saw no one, and, by his neglect of some old and exiled friends, incurred from them the imputation of forgetfulness. Amongst these was Mr. Plowden, the author of some celebrated tracts on Irish history. This called from Plowden the following letter; and Mr. Curran's reply must show more fully than any delineation of mine, the dejection into which he had fallen.

Mr. Plowden did himself the honour of calling to take leave of Mr. Curran on his return to Ireland. He has heard that he finds himself cold, and is displeased or disgusted with every thing in Paris. Mr. Plowden for a short time fondly hoped that a forlorn and deserted exile might have proved an exception.

To J. P. Curran, Esq.

DEAR PLOWDEN,

How could you send me so unkind a farewell? Since my coming hither, I have been in miserable health and spirits. I am sorry you

could have thought my going a great distance to drop my name, the smallest proof of respect or esteem; had I thought so, I would not have been insolvent. I fear you must have been a fellow-sufferer, or you could not on such grounds suspect me of cooling in my esteem for your talents, or concern for the adverse accidents *which I fear are the inseparable concomitants of virtue and genius.* I am not without hope that I may soon again return hither, and then I shall take care to give no cause for your chiding. However, I cannot but say, that I feel more pleasure than pain when I have to put up with some little jealousies in those I most regard, when they proceed more from their suspicions than from my delinquency. Good bye for a while, and don't be disposed to doubt of the real friendship and kindness of yours very truly,

J. P. C.

To this Mr. Plowden sent a farewell answer, concluding, in my mind, *most justly* thus —"May you long live happy, and never cease to bear the honourable badge of singularity as the *only Irish senator* of spotless and unexampled consistency through life!"— It it but fair to say, that as I have only copies without dates, I am not certain whether this correspondence took place in 1802

or 1814: however, it is but too true that the state of his mind was quite similar on both occasions.

Soon after his arrival in Ireland, he was most unfortunately again afforded an opportunity of exhibiting his splendid powers in cases of high treason. After the dreadful tempest of 1798, the country seemed to have fallen into a natural repose. Government was beginning to relax in its severities—the Habeas Corpus act was again in operation—the Union had been carried, and this once kingdom was gradually sinking into the humility of a contented province. All of a sudden, the government unprepared, the people unsuspicious, and the whole social system apparently proceeding without impediment or apprehension, an insurrection broke out in Dublin, which was attended with some melancholy, and at first threatened very serious consequences. At the head of this insurrection was Robert Emmett, a young gentleman of respectable family, interesting manners, and most extraordinary genius. He had been very intimate in Curran's family, and was supposed to have had

a peculiar interest in its happiness. To that intimacy he feelingly alluded afterwards on his trial when he said—"For the public service I abandoned the worship of *another idol* whom I adored in my soul."—It is remarkable enough, that some years before, his brother Mr. Thomas Addis Emmett had with Doctor Mac Nevin and several other discontented characters been deported to America, where he is now practising at the bar of New York with eminent success. He is a man of very resplendent genius, and indeed it seemed to be hereditary in his family. His father was state physician, and his brother Temple, who died at the age of thirty, had already attained the very summit of his profession. But the person whose fate excited the most powerful interest was the unfortunate Robert. He was but just twenty-three, had graduated in Trinity College, and was gifted with abilities and virtues which rendered him an object of universal esteem and admiration. Every one loved—every one respected him—his fate made an impression on the University which has not yet been obliterated. His mind was naturally melancholy and romantic—he had fed it from the pure fountain of classic lite-

rature, and might be said to have lived, not so much in the scene around him as in the society of the illustrious and sainted dead. The poets of antiquity were his companions —its patriots his models, and its republics his admiration. He had but just entered upon the world, full of the ardour which such studies might be supposed to have excited, and unhappily at a period in the history of his country, when such noble feelings were not only detrimental but dangerous. It is but an ungenerous loyalty which would not weep over the extinction of such a spirit. The irritation of the Union had but just subsided. The debates upon that occasion he had drank in with devotion, and doctrines were then promulgated by some of the ephemeral patriots of the day, well calculated to inflame minds less ardent than Robert Emmett's. Let it not be forgotten by those who affect to despise his memory, that men matured by experience, deeply read in the laws of their country, and venerated as the high priests of the constitution, had but two years before, vehemently, eloquently, and earnestly, in the very temple itself, proclaimed resistance to be a duty. Unhappily for him,

his mind became as it were drunk with the delusions of the day, and he formed the wild idea of emancipating his country from her supposed thraldom by the sacrifice of his own personal fortune, and the instrumentality of a few desperate and undisciplined followers. On the 23d day of July 1803, this rebellion, if it can be called such, arose in Dublin; and so unprepared was Government for such an event, that it is an indisputable fact, that there was not a single ball with which to supply the artillery. Indeed, had the deluded followers of Emmett common sense or common conduct, the Castle of Dublin must have fallen into their possession; and what fortunately ended in a petty insurrection, might have produced a renewal of the disastrous 98. Much depends upon the success of the moment; and there was no doubt, there were very many indolent or desponding malcontents, whom the surrender of that citadel would have roused into activity. However, a very melancholy and calamitous occurrence is supposed at the moment to have diverted Emmett's mind from an object so important. Lord Kilwarden, the then Chief Justice, the old and esteemed friend of Mr. Curran, was

returning from the country, and had to pass through the very street of the insurrection. He was recognised—seized, and inhumanly murdered, against all the entreaties and commands of Emmett. This is supposed to have disgusted and debilitated him. He would not wade through blood to liberty, and found too late, that treason could not be restrained even by the authority it acknowledged. Lord Kilwarden died like a judicial hero. Covered with pike-wounds and fainting from loss of blood, his last words were, "Let no man perish in consequence of my death, but by the regular operation of the laws,"—words which should be engraven in letters of gold upon his monument. Speaking of him afterwards during the subsequent trials, Mr. Curran said, "It is impossible for any man having a head or a heart to look at this infernal transaction without horror. I had known Lord Kilwarden for twenty years. No man possessed more strongly than he did two qualities—he was a lover of humanity and justice almost to a weakness, if it can be a weakness." The result of this murder was the paralysis of the rebels, and the consequent arrest of Emmett. There was found

in his depot a little paper in which was drawn up a sort of analysis of his own mind, and a supposition of the state in which it was likely to be in case his prospects ended in disappointment. It is an admirable portraiture of enthusiasm. "I have but little time," he says, "to look at the thousand difficulties which lie between me and the completion of my projects. That those difficulties will likewise disappear, I have ardent, and, I trust, rational hopes; but if it is not to be the case, I thank God for having gifted me with a sanguine disposition: to that disposition I run from reflection; and if my hopes are without foundation — if a precipice is opening under my feet from which duty will not suffer me to run back, I am grateful for that sanguine disposition which leads me to the brink and throws me down, while my eyes are still raised to that vision of happiness which my fancy formed in the air." On the 19th of September 1803, he was brought to trial, and of course convicted. Indeed, his object appeared to be to shield his character rather from the imputation of blood than of rebellion; and it is but an act of justice to his memory to say, that, so far as depended upon him, there

was nothing of inhumanity imputable. Mr. Curran was, I believe, originally assigned him as counsel, but this arrangement was afterwards interrupted. Nothing could exceed the public anxiety to hear the trial: however, the audience was exclusively military—there was not a person in coloured clothes in the court-house. Emmett remained perfectly silent until asked by the court, in the usual form, what he had to say why sentence of death and execution should not be passed upon him. His speech upon that occasion is now scarcely to be met with. The following is a copy of it, published by a gentleman of the bar, who was esteemed a very accurate reporter, and was one of the Crown counsel on the occasion.

Mr. Emmett's Speech.

Why the sentence of the law should not be passed upon me, I have nothing to say—why the sentence which in the public mind is usually attached to that of the law, ought to be reversed, I have much to say. I stand here a conspirator—as one engaged in a conspiracy for the overthrow of the British government in Ireland; for the fact of which I am to suffer by the law; for the motives

of which I am to answer before God.—I am ready to do both. Was it the only fact of treason—was it that naked fact alone with which I stood charged? Was I to suffer no other punishment than the death of the body, I would not obtrude on your attention; but having received the sentence, I would bow my neck in silence to the stroke. But, my Lords, I well know, that when a man enters into a conspiracy, he has not only to combat against the difficulties of fortune, but to contend with the still more insurmountable obstacles of prejudice:—and that if, in the end, fortune abandons him, and delivers him over bound into the hands of the law, his character is previously loaded with calumny and misrepresentation—for what purpose, I know not, except that the prisoner, thus weighed down both in body and mind, may be delivered over a more unresisting victim to condemnation. It is well:—but the victim being once obtained and firmly in your power, let him now unmanacle his reputation. Not, my Lords, that I have much to demand from you,—it is a claim on your memory, rather than on your candour, that I am making. I do not ask you to believe implicitly what I say. I do not hope that you will let my vindication ride at anchor in your breasts;—I only ask you to let it float upon the surface of your recollection, till it comes to some more friendly port to receive it, and give it shelter

against the heavy storms with which it is buffeted. I am charged with being an emissary of France, for the purpose of inciting insurrection in the country, and then delivering it over to a foreign enemy. It is false! I did not wish to join this country with France. I did join—I did not create the rebellion—not for France; but for its liberty. It is true, there were communications between the United Irishmen and France:—it is true, that by that, the war was no surprise upon us. There is a new agent at Paris, at this moment, negotiating with the French government to obtain from them an aid sufficient to accomplish the separation of Ireland from England; and before any expedition sails, it is intended to have a treaty signed, as a guarantee, similar to that which Franklin obtained for America. Whether they will do that now, England, you may judge. But the only question with the provisional government was, whether France should come to this country as an enemy? whether she should have any pretext for so doing? whether the people should look to France as their only deliverer, or, through the medium and control of the provisional government, attain their object? It is not now that I discovered, or the rest of the provisional government of Ireland feel, what it is that binds states together. They well know, my Lords, that such a disposition exists only in proportion to its mutuality of interest; and wherever

that mutuality does not exist, no written articles can secure the inferior state, nor supply the means of protecting its independence. In this view, it never was the intention of the provisional government of Ireland to form a permanent alliance with France; well knowing, that if there is between states a permanent mutual interest, more or less, though treaties may be made, yet, for the most part, it is not the treaty which binds them together, but a sense of common interest; and where that interest does not exist, treaties are soon represented as unjust—they are qualified and interpreted at pleasure, and violated under any pretext. Under these views, it never was the intention to form a permanent treaty with France; and in the treaty which they did make, they had the same guarantee which America had, that an independent government should be established in the country, before the French should come.—God forbid that I should see my country under the hands of a foreign power! On the contrary, it is evident from the introductory paragraph of the address of the provisional government of Ireland, that every hazard attending an independent effort, was deemed preferable to the more fatal risk of introducing a French army into the country. For what? When it has liberty to maintain and independence to keep, may no consideration induce it to submit! If the French come as a foreign enemy, O my coun-

trymen! meet them on the shore, with a torch in one hand—a sword in the other: receive them with all the destruction of war—immolate them in their boats, before our native soil shall be polluted by a foreign foe. If they succeed in landing, fight them on the strand, burn every blade of grass before them, as they advance; raze every house; and, if you are driven to the centre of your country, collect your provisions, your property, your wives and your daughters—form a circle around them—fight while two men are left; and when but one remains, let that man set fire to the pile, and release himself and the families of his fallen countrymen from the tyranny of France. Deliver my country into the hands of France!—Look at the proclamation.—Where is it stated? Is it in that part, where the people of Ireland are called upon to show the world, they are competent to take their place among nations? that they have a right to claim acknowledgment as an independent country, by the satisfactory proof of their capability of maintaining their independence?—by wresting it from England, with their own hands? Is it in that part, where it is stated, that the system has been organized within the last eight months, without the hope of foreign assistance, and which the renewal of hostilities has not accelerated? Is it in that part, which desires England not to create a deadly national antipathy between the two coun-

tries? Look then to another part of the proclamation—look at the military regulations:—is there a word introduced from the French nomenclature? —Are not all the terms English—all the appellations of the intended constituted authorities, English? Why then say, the system was from France?—Yes, there was one argument urged; one quotation from the proclamation relied upon, to prove that we must have meant to resort to France. "You are to show to us, that you have something in reserve wherewith to crush, hereafter, not only a greater exertion on the part of the people; but a greater exertion, rendered still greater by foreign assistance." From which an inference is drawn, that foreign assistance is the support of the present system. Because you are called upon to show, that your strength is such, that you can put down the present attempt without bringing out all your force—to show, that you have something in reserve, wherewith to crush hereafter; therefore, the conclusion drawn is, because a future exertion may be rendered greater by foreign assistance, that foreign assistance is the foundation of the present exertion. But it is said, we must have it in view to deliver up the country to France; and this is not attempted to be proved upon any ground, but that of assertion.—It is not proved from our declarations or actions; because every circumstance attending the attempt which took

place, shows that our object was to anticipate France. How could we speak of freedom to our countrymen—how assume such an exalted motive, and meditate the introduction of a power which has been the enemy of freedom wherever she appears? See how she has behaved to other countries. How has she behaved to Switzerland, to Holland, and to Italy? Could we expect better conduct towards us? No! Let not then any man calumniate my memory by believing that I could have hoped for freedom from the government of France, or that I would have betrayed the sacred cause of the liberty of my country, by committing it to the power of her most determined foe. With regard to this, I have one observation to make:—It has been stated that I came from abroad.—If I had been in Switzerland, I would have fought against the French; for I believe the Swiss are hostile to the French.—In the dignity of freedom, I would have expired on the frontiers of that country, and they should have entered it only by passing over my lifeless corse.—But if I thought the people were favourable to the French—I have seen so much what the consequences of the failure of revolutions are—the oppressions of the higher upon the lower orders of the people—I say, if I saw them disposed to admit the French, I would not join them, but I would put myself between the French and the people, not as a victim—but to

protect them from subjugation, and endeavour to gain their confidence, by sharing in their danger. So would I have done with the people of Ireland, and so would I do, if I was called upon to-morrow. Our object was to effect a separation from England.—

The court here interrupted the prisoner.

Lord Norbury. At the moment you are called upon to show why sentence of death should not be pronounced against you, according to law, you are making an avowal of dreadful treasons, and of a determined purpose of persevering in them; which I do believe has astonished your audience. The court is most anxious to give you the utmost latitude of indulgence to address them, hoping that such indulgence would be not abused by an attempt to vindicate the most criminal measures and principles, through the dangerous medium of eloquent, but perverted talents. I beseech you, therefore, to compose your mind, and to recollect, that the patient attention with which you have been listened to, is unparalleled in the history of any other country, that did not enjoy the benignant temper of the British law. You should make some better atonement to expiate your own crimes, and to alleviate the misfortunes you have brought upon your country; with which country, and with your God, I entreat you to make your peace. You must be aware that a court of justice, in endeavour-

ing to control and do away the bad effect of desperate sentiments, which have been thus promulgated, as the effusions of a disturbed and agitated mind, is but fulfilling that duty which it owed to the offended laws of an injured country. You, Sir, had the honour to be a gentleman by birth; and your father filled a respectable situation under the Government; you had an elder brother, whom death snatched away, and who, when living, was one of the greatest ornaments of the bar: the laws of his country were the study of his youth; and the study of his maturer life was to cultivate and support them. He left you a proud example to follow; and if he had lived he would have given your talents the same virtuous direction as his own, and have taught you to admire and preserve that constitution, for the destruction of which you have conspired with the most profligate and abandoned, and associated yourself with ostlers, bakers, butchers, and such persons, whom you invited to councils, when you erected your provisional government. When you sallied forth at midnight with such a band of assassins, and found yourself implicated in their atrocities, your heart must have lost all recollection of what you were. You had been educated at a most virtuous and enlightened seminary of learning, and amidst the ingenuous youth of your country, many of whom now surround you, with the conscious pride of having taken

up arms to save their country against your attacks upon it; and amongst them there may be a throb of indignant sorrow, which would say, Had it been an open enemy, I could have borne it; but that it should be my companion and my friend!—

Mr. Emmett. My Lord——

Lord Norbury. If you have any thing to urge in point of law, you will be heard; but what you have hitherto said, confirms and justifies the verdict of the jury.

Mr. Emmett. My Lord, I did say, I have nothing to offer why the sentence of the law should not pass upon me. But if that is all I am asked, that is not all I am to suffer, even from the voice of those who surround me. But the judge, when he pronounces the sentence of the law, does not confine himself to the mere form which is prescribed—he feels it a duty, I am sure from pure motives, to give an exhortation to the prisoner. The judges sometimes think it their duty to dwell upon his motives. What I claim, then, is this—to free my character from a foul imputation. Though you, my Lord, sit there as a judge, and I stand here as a culprit, yet you are but a man; and I am a man also: and when you, or any other judge, speak against the motives of a dying man, I do conceive it to be the right of the dying man—that it is his duty—to vindicate his character and his views from aspersion. If I say any thing contrary to the

law, Your Lordship may stop me, and I will submit immediately on being corrected. But it is hardly possible, when I am justifying my motives, to avoid mentioning some which must be disagreeable to those I address. All I can say is, that they should have been passed over in silence. If my motives are not to be justified, nothing should be said but the pronouncing of the sentence. If I am not permitted to vindicate my character, let no man dare to calumniate my motives. If I am permitted to go on——

Lord Norbury. You have learning and discrimination enough to know, that if a judge were to sit in a court of justice to hear any man proclaim treason, and to proceed to unwarrantable lengths in order to captivate or delude the unwary, or to circulate opinions or principles of the most dangerous tendency, for the purposes of mischief, it would be an insult to the law and to the justice of the country, for which those would be responsible who preside; but in every matter relevant to your own case, you have every indulgence.

Mr. Emmett. Then I have nothing more to say, if I am not permitted to vindicate myself. Vindication rests upon abstract principle, and the views with which that principle is applied. I did wish to state both. I did wish to state the views which I had, without presuming to make application of them to any body. I can only say, that my mo-

tives, and abhorrence of the spilling of blood, resulted from an ardent attachment to my country, from a sense of public duty, in which I have been brought up from the age of ten years. I had hoped that such a thing as public principle might have existed. But if I go to my grave with this imputation cast upon me this day, that I wished for personal aggrandizement and dominion, I would go with a heavy weight upon my mind. I appeal to every man who heard it, not to believe it. I would appeal to those who cannot hear what I am now permitted to say, to follow the Attorney General, and discharge it altogether from their minds. Let it remain in silence—in charitable silence. I have now done. I have burned out my lamp of life. For the public service I abandoned the worship of another idol I adored in my heart. My ministry is now ended. I am now to receive my reward. I am going to my cold grave; I have one request to make—let there be no inscription on my tomb—let no man write my epitaph—no man can write my epitaph. I am here ready to die; I am not allowed to vindicate my character; no man shall dare to vindicate my character: and, when I am prevented from vindicating myself, let no man dare to calumniate me. Let my character and my motives repose in obscurity and peace, till other times and other men can do them justice:—then

shall my character be vindicated; then may my epitaph be written.

Lord Norbury. I was in hopes that I might have been able to recall you to a more composed state of mind, suitable to the melancholy situation in which you are placed. I lament that it was vain to attempt it. A different conduct would more become a man who had endeavoured to overthrow the laws and the liberties of his country, and who had vainly and wickedly substituted the bloody proscriptions of the provisional government, in the room of the most temperate, mild, and impartial justice, with which a free country was ever blessed. Had you been tried under the system of your own invention, you would not have been listened to for an instant, but your code would have crushed the inventor. And such has been the well-known fate of most of the leaders of modern republicanism, when such talents and dispositions as yours have been resorted to, that the prostituted pen of every revolutionary raver might be put in requisition to madden the multitude, and to give sovereignty to the mob.

Mr. Emmett. I beg pardon—I wish to mention one thing; which is, to state expressly, that I did not come from France; I did not create the conspiracy—I found it when I arrived here; I was solicited to join it; I took time to consider of it, and I was told expressly, that it was no matter whether

I did join it or not, it would go on. I then, finding my principles accord with the measure, did join it; and, under the same circumstances, would do so again.

These were the last words which Robert Emmett ever spoke in public; and these words deliberately avowed and justified the conduct for which his life had been pronounced the forfeit. Indeed, he does not appear to have been a young man upon whose mind adversity could produce any effect. He was buoyed up by a characteristic enthusiasm; and this, tempered as it was by the utmost amenity of manners, rendered him an object of love and admiration, even in his prison. Of his conduct there I have had, well authenticated, some very curious anecdotes.

One day, previous to his trial, as the governor was going his rounds, he entered Emmett's room rather abruptly; and observing a remarkable expression in his countenance, he apologized for the interruption. He had a fork affixed to his little deal table, and appended to it there was a tress of hair. "You

see," said he to the keeper, "how innocently I am occupied. This little tress has long been dear to me, and I am plaiting it to wear in my bosom on the day of my execution!" On the day of that fatal event, there was found sketched by his own hand, with a pen and ink, upon that very table, an admirable likeness of himself, the head severed from the body, which lay near it, surrounded by the scaffold, the axe, and all the frightful paraphernalia of a high treason execution. What a strange union of tenderness, enthusiasm, and fortitude, do not the above traits of character exhibit! His fortitude, indeed, never for an instant forsook him. On the night previous to his death he slept as soundly as ever; and when the fatal morning dawned he arose, knelt down and prayed, ordered some milk, which he drank, wrote two letters (one to his brother in America, and the other to the secretary of state, inclosing it), and then desired the sheriffs to be informed that he was ready. When they came into his room, he said he had two requests to make—one, that his arms might be left as loose as possible, which was humanely and instantly acceded to. "I make the other," said he, "not

under any idea that it can be granted, but that it may be held in remembrance that I have made it—it is, that I may be permitted to die in my uniform*." This of course could not be allowed; and the request seemed to have had no other object than to show that he gloried in the cause for which he was to suffer. A remarkable example of his power both over himself and others occurred at this melancholy moment. He was passing out attended by the sheriffs, and preceded by the executioner—in one of the passages stood the turnkey who had been personally assigned to him during his imprisonment: this poor fellow loved him in his heart, and the tears were streaming from his eyes in torrents. Emmett paused for a moment; his hands were not at liberty—he kissed his cheek—and the man, who had been for years the inmate of a dungeon, habituated to scenes of horror, and hardened against their operation, fell senseless at his feet. Before his eyes had opened again upon this world, those of the youthful sufferer had closed on it for ever. Such is a brief sketch of the man who origi-

* The colour of the rebel uniform was *green*.

nated the last state trials in which Mr. Curran acted as an advocate. Upon his character, of course, different parties will pass different opinions. Here he suffered the death of a traitor—in America his memory is as that of a martyr, and a full length portrait of him, trampling on a crown, is one of their most popular sign-posts. Of his high honour Mr. Curran had perhaps even an extravagant opinion. Speaking of him to me one day, he said, "I would have believed the word of Emmett as soon as the oath of any one I ever knew." Our conversation originated in reference to some expressions said to have fallen from him during his trial, reflecting on Mr. Plunket, who was at that time Solicitor General. However, the fact is, that Mr. Plunket's enemies invented the whole story. Emmett never, even by implication, made the allusion; and I am very happy that my minute inquiries on the subject enable me to add an humble tribute to the name of a man who is at once an ornament to his profession and his country—a man whom Mr. Curran himself denominated the *Irish Gylippus*, "in whom," said he, "were concentrated all the energies and all

the talents of the nation." It is quite wonderful, with what malignant industry the enemies of integrity and genius circulated this calumny upon Mr. Plunket. But the Irish national aptitude for scandal has unfortunately now become naturalized into a proverb! Very far is it from my intention to disobey the last request of Emmett by attempting to place any inscription upon his tomb—that must await the pen of an impartial posterity; and to that posterity his fate will go, were there no other page to introduce it than that of the inspired author of Lalla Rookh, who was his friend and contemporary in college, and who thus most beautifully alludes to him in his Irish Melodies:

O breathe not his name! let it sleep in the shade
Where, cold and unhonoured, his relics are laid!
Sad, silent, and dark, be the tears that we shed,
As the night-dew that falls on the grass o'er his head.

But the night-dew that falls, though in silence it weeps,
Shall brighten with verdure the grave where he sleeps;
And the tear that we shed, though in secret it rolls,
Shall long keep his memory green in our souls.

On the trials which succeeded this insurrection, Mr. Curran was frequently assigned as counsel for the prisoners. Of the speeches

pronounced upon those occasions, the most brilliant, perhaps, was that delivered by him in defence of Owen Kirwan, on the 1st day of October 1803. This speech has also been reported; and I shall follow the plan which I had laid down as to those which are already in circulation, by selecting only such passages as appear to me the most highly finished and the most characteristic of their author.

The Comparison of his Situation in 1803 *with that in* 1798.

He could not, however, but confess, that he felt no small consolation when he compared his present with his former situation upon similar occasions. In those sad times to which he alluded, it was frequently his fate to come forward to the spot where he then stood, with a body sinking under infirmity and disease, and a mind broken with the consciousness of public calamity, created and exasperated by public folly. It had pleased Heaven that he should live to survive both those afflictions, and he was grateful for its mercy. "I now," said he, "come here through a composed and quiet city: I read no expression in any face save such as marks the ordinary feelings of social life, or various characters of civil occupation. I

see no frightful spectacle of infuriated power or suffering humanity. I see no tortures—I hear no shrieks. I no longer see the human heart charred in the flame of its own vile and paltry passions—black and bloodless—capable only of catching and communicating that destructive fire by which it devours, and is itself devoured. I no longer behold the ravages of that odious bigotry by which we were deformed, and degraded, and disgraced—a bigotry against which no man should ever miss an opportunity of putting his countrymen, of all sects and of all descriptions, upon their guard: it is the accursed and promiscuous progeny of servile hypocrisy, of remorseless thirst of power, of insatiate thirst of gain, labouring for the destruction of man, under the specious pretences of Religion—her banner stolen from the altar of God, and her allies congregated from the abysses of hell, she acts by votaries to be restrained by no compunctions of humanity, for they are dead to mercy; to be reclaimed by no voice of reason, for refutation is the bread on which their folly feeds; they are outlawed alike from their species and their Creator; the object of their crime is social life—and the wages of their sin is social death; for, though it may happen that a guilty individual should escape from the law that he has broken, it cannot be so with nations—their guilt is too extensive and unwieldy for such an escape: they may rest assured

that Providence has, in the natural connexion between causes and their effects, established a system of retributive justice, by which the crimes of nations are, sooner or later, avenged by their own inevitable consequences. But that hateful bigotry—that baneful discord—which fired the heart of man, and steeled it against his brother, has fled at last, and, I trust, for ever. Even in this melancholy place I feel myself restored and recreated by breathing the mild atmosphere of justice, mercy, and humanity. I feel I am addressing the parental authority of law—I feel I am addressing a jury of my countrymen, my fellow-subjects, and my fellow-christians, against whom my heart is waging no concealed hostility—from whom my face is disguising no latent sentiment of repugnance or disgust. I have not now to touch the high-raised strings of angry passions in those that hear me; nor have I the terror of thinking that if those strings cannot be snapped by the stroke, they will be only provoked into a more instigated vibration.

An Appeal to the People of Ireland as to what they could hope for from the personal Interference of Buonaparte.

And this reasoning, he said, was more pertinent to the question, because politics were not now, as heretofore, a dead science, in a dead language: they had now become the subject of the

day, vernacular and universal; and the repose which the late system of Irish government had given the people for reflection, had enabled them to consider their own condition, and what they or any other country could have to hope from France, or, rather, from its master. He said, he scorned to allude to that personage merely to scold or revile him; unmeaning obloquy may show that we do not love the object, but certainly that we do not fear him. He then adverted to the present condition of Buonaparte—a stranger, an usurper, getting possession of a numerous, proud, volatile, and capricious people; getting that possession by military force—able to hold it only by force. To secure his power, he found, or thought he found it necessary to abolish all religious establishments, as well as all shadow of freedom. He had completely subjugated all the adjoining nations. "Now," said Mr. Curran, "it is clear that there are but two modes of holding states together; namely, community of interest, or predominance of force: the former is the natural bond of the British empire—their interests, their hopes, their dangers, can be no other than one and the same, if they are not stupidly blind to their own situation; and stupidly blind indeed must they be, and justly must they incur the inevitable consequences of that blindness and stupidity, if they have not fortitude and magnanimity enough to lay aside those mean and

narrow jealousies which have hitherto prevented that community of interest and unity of effort by which alone we can stand, and without which we must fall together. But force only can hold the requisitions of the First Consul; what community of interest can he have with the different nations that he has subdued and plundered?—Clearly, none. Can he venture to establish any regular and protected system of religion among them? Wherever he erected an altar, he would set up a monument of condemnation and reproach upon those wild and fantastic speculations which he is pleased to dignify with the name of philosophy; but which other men, perhaps because they are endued with a less aspiring intellect, conceive to be a desperate anarchical atheism, giving to every man a dispensing power for the gratification of his passions, teaching him that he may be a rebel to his conscience with advantage, and to his God with impunity. Just as soon would the Government of Britain venture to display the crescent in their churches, as an honorary member of all faiths to show any reverence to the Cross in his dominions. Apply the same reasoning to liberty: can he venture to give any reasonable portion of it to his subjects at home, or his vassals abroad? The answer is obvious: sustained merely by military force, his unavoidable policy is, to make the army every thing, and the people nothing. If he ven-

tured to elevate his soldiers into citizens, and his wretched subjects into freemen, he would form a confederacy of mutual interest between both, against which he could not exist a moment. If he relaxed in like manner with Holland, or Belgium, or Switzerland, or Italy, and withdrew his armies from them, he would excite and make them capable of instant revolt. There is one circumstance which just leaves it possible for him not to chain them down still more rigorously than he has done, and that is, the facility with which he can pour military reinforcements upon them in case of necessity. But, destitute as he is of a marine, he could look to no such resource with respect to any insular acquisition; and he of course should guard against the possibility of danger, by so complete and merciless a thraldom, as would make any effort of resistance physically impossible. Perhaps, my Lords and Gentlemen," continued Mr. Curran, "I may be thought the apologist, instead of the reviler of the ruler of France. I affect not either character. I am searching for the motives of his conduct, and not for the topics of his justification. I do not affect to trace these motives to any depravity of heart or of mind, which accident may have occasioned for the season, and which reflection or compunction may extinguish or allay, and thereby make him a completely different man with respect to France and to the world: I am acting more

fairly and more usefully by my country, when I show, that his conduct must be so swayed by the permanent pressure of his situation, by the control of an unchangeable and inexorable necessity, that he cannot dare to relax or relent without becoming the certain victim of his own humanity or contrition. I may be asked, are these merely my own speculations; or have others in Ireland adopted them? I answer freely, Non meus hic sermo est. It is, to my own knowledge, the result of serious reflection in numbers of our countrymen. In the storm of arbitrary sway, in the distraction of torture and suffering, the human mind had lost its poise and its tone, and was incapable of sober reflection; but, by removing these terrors from it, by holding an even hand between all parties, by disdaining the patronage of any sect or faction, the people of Ireland were left at liberty to consider her real situation and interest, and, happily for herself, I trust in God, she has availed herself of the opportunity. With respect to the higher orders, even of those who thought they had some cause to complain, I know this to be the fact—they are not so blind as not to see the difference between being proud and jealous, and punctilious in any claim of privilege or right between themselves and their fellow-subjects, and the mad and desperate depravity of seeking the redress of any dissatisfaction that they may feel, by an appeal to force, or

to the dreadful recourse to treason and to blood. As to the humbler orders of our people, for whom, I confess, I feel the greatest sympathy, because there are more of them to be undone—and because, from want of education, they must be more liable to delusion, I am satisfied the topics to which I have adverted apply with still greater force to them than to those who are raised above them. I have not the same opportunity of knowing their actual opinions; but if these opinions be other than I think they ought to be, would to God they were present in this place, or that I had the opportunity of going into their cottages, and they well know that I should not disdain to visit them, and to speak to them the language of affection and candour on the subject; I should have little difficulty in showing to their quick and apprehensive minds, how it is when the heart is incensed* to confound the evils which are inseparable from the destiny of imperfect man, with those which arise from the faults or errors of his political situation. I would put a few questions to their candid and unadulterated sense; I would ask them, Do you think that you have made no advance to civil prosperity within the last twenty years? Are your opinions of modern and subjugated France the same that you entertained of popular aud revolutionary France fourteen years ago? Have you any hope, that, if the First Consul got possession of your island, he would treat you

half so well as he does those countries at his door, whom he must respect more than he can respect or regard you? And do you know how he treats those unhappy nations? You know that in Ireland there is little personal property to plunder; that there are few churches to rob. Can you, then, doubt, that he would reward his rapacious generals and soldiers by parcelling out the soil of the island among them, and by dividing you into lots of serfs to till the respective lands to which they belonged? Can you suppose that the perfidy and treason of surrendering your country to an invader, would to your new master be any pledge of your allegiance? Can you suppose that, while a single French soldier was willing to accept an acre of Irish ground, he would leave that acre in the possession of a man who had shown himself so wickedly and so stupidly dead to the suggestions of the most obvious interest, and to the ties of the most imperious moral obligations? What do you look forward to with respect to the aggrandizement of your sect? Are you Protestants?—He has abolished Protestantism with Christianity. Are you Catholics?—Do you think he will raise you to the level of the Pope?—Perhaps—and I think he would not; but if he did, could you hope more privilege than he has left His Holiness? And what privilege has he left him?—He has reduced his religion to be a mendicant for contemptuous toleration; and he has reduced his

person to beggary and to rags. Let me ask you a further question: Do you think he would feel any kind-hearted sympathy for you? Answer yourselves, by asking, what sympathy does he feel for Frenchmen, whom he is ready to bury by thousands in the ocean, in the barbarous gambling of his wild ambition? What sympathy, then, could bind him to you? He is not your countryman; the scene of your birth and your childhood is not endeared to his heart by the reflection, that it was also the scene of his. He is not your fellow-christian: he is not, therefore, bound to you by any similarity of duty in this world, or by any union of hope beyond the grave. What, then, could you suppose the object of his visit, or the consequence of his success? Can you be so foolish as not to see that he would use you as slaves, while he held you —and that, when he grew weary, which he soon would become, of such a worthless and precarious possession, he would carry you to market in some treaty of peace, barter you for some more valuable concession, and surrender you to expiate, by your punishment and degradation, the advantage you had given him by your follies and your crimes? There is another topic on which a few words might be addressed to the deluded peasant of this country. He might be asked—What could you hope from any momentary success of any effort to subvert the Government by mere intestine convulsion?

Could you look forward to the hope of liberty or property? Where are the characters, the capacities, and the motives of those that have embarked in these chimerical projects?—You see them a despicable gang of needy adventurers; desperate from guilt and poverty, uncountenanced by a single individual of probity or name; ready to use you as the instruments, and equally ready to abandon you, by treachery or flight, as the victims of their crimes. For a short time, murder and rapine might have their sway; but don't be such a fool as to think, that, though robbing might make a few persons poor, it could make many persons rich. Don't be so silly as to confound the destruction of the property with the partition of wealth. Small must be your share of the spoil, and short your enjoyment of it. Soon, trust me, very soon, would such a state of things be terminated by the very atrocities of its authors. Soon would you find yourselves subdued, ruined, and degraded. If you looked back, it would be to character destroyed, to hope extinguished. If you looked forward, you could only see that dire necessity you had imposed upon your governors of acting towards you with no feelings but those of abhorrence and of self-preservation; of ruling you by a system of coercion, of which alone you would be worthy; and of leaving you with taxes (that is, selling the food and raiment which your honest labour might earn for

your family) to defray the expense of that force by which only you could be restrained. Say not, gentlemen, that I am inexcusably vain when I say, Would to God that I had an opportunity of speaking this plain, and, I trust, not absurd language, to the humblest orders of my countrymen! When I see what sort of missionaries can preach the doctrines of villany and folly with success, I cannot think it very vain to suppose, that they would listen with some attention and some respect to a man who was addressing plain sense to their minds, whose whole life ought to be a pledge for his sincerity and affection; who had never, in a single instance, deceived, or deserted, or betrayed them; who had never been seduced to an abandonment of their just rights, or a connivance at any of their excesses, that could threaten any injury to their characters.

His next speech was in the case of Weldon. This has not been reported; and therefore I give it entire to the reader. His reasoning upon the injustice of constructive treason is exceedingly characteristic.

Speech in Defence of Weldon on a Charge of High Treason, 1803.

I am of counsel in one of those cases in which the humanity of our laws is, very fortunately, join-

ed with the authority and wisdom of the Court in alliance with me, for the purposes of legal protection. Gentlemen, I cannot, however, but regret, that that sort of laudable and amiable anxiety for the public tranquillity, which glows warmest in the breasts of the best men; has perhaps induced Mr. Attorney General to state some facts to the Court and the Jury, of which no evidence was attempted to be given. And I make the observation only for this purpose, to remind you, gentlemen, that the statement of counsel is not evidence; to remind you, that you are to give a verdict, upon this solemn and momentous occasion, founded simply upon the evidence which has been given to you; for such is the oath you have taken. Gentlemen, I make the observation, not only in order to call upon you to discharge any impressions not supported by testimony; but to remind you also of another incontrovertible maxim, not only of the humane law of England, but of eternal justice, upon which that is founded—that the more horrid and atrocious the nature of any crime charged upon any man is, the more clear and invincible should be the evidence upon which he is convicted. The charge here is a charge of the most enormous criminality that the law of any country can know, no less than the atrocious and diabolical purpose of offering mortal and fatal violence to the person of the sovereign, who ought to be sacred. The pri-

soner is charged with entertaining the guilty purpose of destroying all order, and all society, for the well-being of which the person of the King is held sacred. Therefore, gentlemen, I presume to tell you, that in proportion as the crime is atrocious and horrible, in the same proportion should the evidence to convict, be clear and irresistible. Let me, therefore, endeavour to discharge the duty I owe to the unfortunate man at the bar (for unfortunate I consider him, whether he be convicted or acquitted), by drawing your attention to a consideration of the facts charged, and comparing it with the evidence adduced to support it.

The charge, gentlemen, is of two kinds—two species of treason — founded upon the statute 25 Edward III. One is, compassing the King's death: the other is a distinct treason—that of adhering to the King's enemies. In both cases the criminality must be clearly established, under the words of the statute, by having the guilty man convicted of the offence by proveable evidence of overt acts. Even in the case, and it is the only one, where by law the imagination shall complete the crime, there that guilt must be proved, and can be proveable only by outward acts, made use of by the criminal for the effectuation of his guilty purpose. The overt acts stated here are, that he associated with traitors unknown, with the design of assisting the French, at war with our govern-

ment; and therefore a public enemy. 2dly, Consulting with others for the purpose of assisting the French. 3dly, Consulting with other traitors to subvert the Government. 4thly, Associating with Defenders to subvert the Protestant religion. 5thly, Enlisting a person stated in the indictment, to assist the French, and administering an oath to him for that purpose. 6thly, Enlisting him to adhere to the French. 7thly, Corrupting Lawler to become a Defender. 8thly, Enlisting him by administering an oath for similar purposes. In order to warrant a verdict convicting the prisoner, there must be clear and convincing evidence of some one of these overt acts as they are laid. The law requires that there should be stated upon record, such an act as in point of law will amount to an overt act of the treason charged as matter of evidence; and the evidence adduced must correspond with the fact charged. The uniform rule which extends to every case applies to this, that whether the fact charged be sustained by evidence, is for the conscience and the oath of the jury, according to the degree of credit they give to the testimony of it. In treason the overt act must sustain the crime; and the evidence must go to support the overt act so stated. If this case were tried on the other side of the water, it does not strike me that the very irrelevant evidence given by Mr. Carleton, could have supplied what the law

requires, the concurring testimony of two witnesses. I cannot be considered, indeed I should be sorry to put any sort of comparison between the person of Mr. Carleton, and the first witness who was called upon the table. Gentlemen of the jury, you have an important province indeed—the life and death of a man to decide upon. But previous to that you must consider what degree of credit ought to be given to a man under the circumstances of that witness produced against the prisoner. It does appear to me, that his evidence merits small consideration in point of credibility. But even if he were as deserving of belief as the witness that followed, and if his evidence were as credible as the other's was immaterial, I shall yet rely confidently, that every word, if believed, does leave the accusation unsupported. Gentlemen, I will not affront the idea which ought to be entertained of you, by warning you not to be led away by those phantoms which have been created by prejudice, and applied to adorn the idle tales drunk down by folly, and belched up by malignity. You are sensible that you are discharging the greatest duty that law and religion can repose in you; and I am satisfied you will discard your passions; and that your verdict will be founded, not upon passion or prejudice, but upon your oaths and upon justice. Consider what the evidence in point of fact is. Lawler was brought by Brady

and Kennedy to Weldon, the prisoner, in Barrack Street: what Brady said to him before, if it had been of moment in itself, I do not conceive can possibly be extended to him, who did not assent to the words, and was not present when they were uttered. Lawler was carried to the prisoner at the bar to be sworn: and here give me leave to remind you, what was the evidence; to remind you that the expressions proved, do not bear that illegal import which real or affected loyalty would attach to them; and, therefore, you will discharge all that cant of enthusiasm from your minds. I wish that I were so circumstanced as to be entitled to an answer, when I ask Mr. Attorney General what is the meaning of the word Defender? I wish I were at liberty to appeal to the sober understanding of any man for the meaning of that tremendous word. I am not entitled to put the question to the counsel or the Court; but I am entitled to call upon the wise and grave consideration of the Court to say, whether the zeal of public accusation has affixed any definite meaning to the word? I would be glad to know, whether that expression, which is annexed to the title of the highest magistrate, marking his highest obligation, and styling him the DEFENDER of the religion of the country, in common parlance acquired any new combination, carrying with it a crime, when applied to any other man in the community? Let me

warn you, therefore, against that sort of fallacious lexicography which forms new words, that undergoing the examination of political slander or intemperate zeal, are considered as having a known acceptation. What is the word?—A word that should be discarded, when it is sought to affix to it another meaning than that which it bears in the cases where it is used. Let me remind you that a Defender, or any other term used to denote any confraternity, club, or society, like any other word, is arbitrary; but the meaning should be explicit: and, therefore, with regard to this trial, you are to reject the word as having no meaning, unless from the evidence you find it has in the mind of the party a definite explication: for observe that the witness, such as he is—such as he was, with all his zeal for the furtherance of justice, which he was once ready to violate by the massacre of his fellow-subjects—with all his anxiety for his Sovereign's safety, whom he was once ready to assassinate—he, I say, has not told you, that either Brady or Kennedy, or any other person, stated what the principles were that denoted a Defender. But I will not rest the case of my client upon that ground:—no; it would be a foolish kind of defence, because words might be used as a cloak, and, therefore, might be colourably introduced. You, gentlemen, are then to consider, what this oath, this nonsensical oath, which, so far as it is intelligible, is inno-

cent, and so far as it is nonsense, can prove nothing—you are to consider, whether, innocent and nonsensical as it may appear, it was yet a cover and a bond for treasonable association. It is not in my recollection, that any evidence was given, that the oath was conceived in artfully equivocal expressions, for forming, under the sanction of loyal language, a treasonable association. Is one of the parties laughing, evidence that it was treasonable, or the bond of a criminal confederation? It is not. Is it treasonable to say, "that, were the King's head off to-morrow, the allegiance to him would be at an end?" It is not. The expressions may bring a man into disrepute—may lead the mind of a jury into a suspicion of the morality of the man who used them—but nothing more. It may be asked, why should there be any thing insidious? why but to cover a treasonable purpose are all these suspicious circumstances? It is not for me, nor is it the prisoner's duty, to account for them in defending himself against this charge; because circumstances are not to render innocence doubtful: but it is full proof establishing the guilt and the treason indubitably, which the law requires. Therefore, I submit, that, even if the evidence could be believed, it does not support the overt acts. Was there a word of violating the person of the King? any affected misrepresentation of any abuse of government? Have you heard a word stated of the

King not being an amiable King? any words contumeliously uttered respecting his person—disrespectful of his government—expressive of any public grievance to be removed, or good to be attained? Not a word of such a subject—Nothing of the kind is proved by this solitary witness in all his accuracy of detail.

Was there any proposition of assisting the French in case they invaded this kingdom?—To support that charge a nonsensical Catechism is produced. There it is asked, "Where did the cock crow when all the world heard him?"—What kind of old women's stories are these to make an impression upon your minds?—Well, but what does that mean? Why, can you be at a loss?—It means to kill the King! Look at the record—it charges the persons with compassing the King's death; and the question about the crowing of a cock, is the evidence against them.

Gentlemen, you all know, for you are not of ordinary description, that the statute of Edward III. was made to reduce vague and wandering treasons—to abolish the doctrine of constructive treason, and to mark out some limited boundaries, clear to a court and jury. If a man has been guilty of disrespect in point of expression to the government or the Crown, the law has ascertained his guilt and denounced the punishment,

But all the dreadful uncertainty intended to be guarded against by the statute, and which before the passing of the statute had prevailed in case of treason, and which had shed upon the scaffold some of the best blood in England, would again run in upon us, if a man were to suffer an ignominious death under such circumstances as the present, if equivocal expressions should be taken as decisive proof, or if dubious words were to receive a meaning from the zeal of a witness, or the heat, passion, or prejudice of a jury. The true rule by which to ascertain what evidence should be deemed sufficient against a prisoner is, that no man should be convicted of any crime except upon the evidence of a man not subject to an indictment for perjury. But what indictment could be supported for a laugh, a shrug, or a wink? Was there any conversation about killing the King? No:—but here was a laugh—there was an oath to which we were sworn—and then there was a wink; by which I understood we were swearing one thing and meant another.—Why, gentlemen, there can be no safety to the honour, the property, or the life of man, in a country where such evidence as this shall be deemed sufficient to convict a prisoner. There is nothing necessary to sweep a man from society, but to find a miscreant of sufficient enormity, and

the unfortunate accused is drifted down the torrent of the credulity of a well-intending jury. See how material this is. Weldon was present at only one conversation with the witness. It is not pretended by the counsel for the Crown, that the guilt as to any personal evidence against Weldon, does not stand upon the first conversation. Was there a word upon that conversation of adhering to the King's enemies? It was stated in the case, and certainly made a strong impression, that Lawler was enlisted in order to assist the French. I heard no such evidence given. The signs of what he called Defenders were communicated to him; the oath which he took was read, and he was told there would be a subsequent meeting, of which the witness should receive notice from Brady.

Gentlemen, before I quit that meeting at Barrack Street, let me put this soberly to you. What is the evidence upon which the Court can leave it to you to determine, that there is equivocation in the oath? It must be in this way: you are to consider words in the sense in which they are spoken; and in writings, words are to be taken in their common meaning. Words have sometimes a technical sense for the purposes of certainty: they may also be made the signs of arbitrary ideas; and therefore I admit a treasonable meaning may be attached to words which in their ordinary sig-

nification are innocent. But where is the evidence, or what has the witness said, to make you believe that these words in the oaths were used in any other than in the common ordinary acceptation? Not a word, as I have heard. Weldon can be affected only personally, either, first, upon acts by himself, or by other acts brought home to him from the general circumstances of the case. I am considering it in that two-fold way, and I submit, that if it stood upon the evidence respecting the conduct of the prisoner at Barrack Street alone, there could not be a doubt as to his acquittal. It is necessary, therefore, that I should take some further notice of the subsequent part of the evidence. The witness stated, that Weldon informed him, that there would be another meeting of which he, the witness, should have notice. He met Brady and Kennedy, they told him there was a meeting at Plunket Street; and here give me leave to remind the Court, that there is no evidence, that there was any guilty purpose in agitation to be matured at any future meeting—no proposal of any criminal design. There ought to be evidence to show a connexion between the prisoner and the subsequent meeting as held under his authority. It is of great moment to recollect, that before any meeting, Weldon had left town; and in the mention of any meeting to be held, let it be remembered he did not state any particular subject, as

comprehending the object of the meeting. What happened? There certainly was a meeting at Plunket Street—but there was not a word of assisting the French—of subverting the religion—of massacreing the Protestants — of any criminal design whatever—there was not any consultation upon any such design. I make this distinction, and rely upon it, that where consultations are overt acts of this or that species of treason, it must be a consultation by the members composing that meeting; because it would be the most ridiculous nonsense, that a conversation addressed from one individual to another, not applied to the meeting, should be called a consultation. But, in truth, there is no evidence of any thing respecting the French except in Stonybatter: there, for the first time, the witness says, he heard any mention of the French. Here, gentlemen of the jury, let me beseech you to consider what the force of the evidence is. Supposing what one man said there to another about assisting the French to have been criminal, shall Weldon, who was then, for a week, one hundred miles from the scene, be criminally affected by what was criminally done at Stonybatter? It is not only that he shall be criminally affected by what was criminally done, but even to the shedding of his blood, shall he be affected by what any individual said, who casually attended that meeting? Have you any feeling of the pre-

cipice to which you are hurried, when called upon to extend this evidence in such a manner? without any one person being present, with whom the prisoner had any previous confederation? You will be very cautious indeed, how you establish such a precedent. How did Weldon connect himself with any other meeting? Why, he said, there will be another meeting—you shall have notice. It would be going a great way to affect him in consequence of that: I lay down the law with confidence, and I say there in no doctrine in it, so well ascertained and established, as that a man is to be criminally affected only by his own acts—the man to be charged must be charged with overt acts of his own. There is no law—no security—no reason in that country, where a man can be mowed down by foolishly crediting the evidence, not of acts of his own, but of the acts of others, constructively applied to him, who did not attend the meeting, nor was ever aware of it. If a man was to be exposed to the penalties of treason, hatched and perpetrated in his absence, every member of society becomes liable to be cut off by mere suspicion. I say, no man could go to his bed with an expectation of sleeping in it again, if he were liable to be called upon to answer a charge of suspicious words, spoken when he was one hundred miles off, by miscreants with whom he had no connexion. Good God! gentlemen, only take asunder the evidence

upon which you are called upon to take away the life of this man.—" You, Weldon, are chargeable, and shall answer with your blood, for what was done at Stonybatter."—" Why, that is very hard, gentlemen; for I was not there, I was one hundred miles off!"—" Yes, but you were there in contemplation of law, consulting about the abominable crimes of compassing the King's death, and adhering to his enemies."—" How, gentlemen, could I be there?—I knew not there was any such meeting—I was not present at it."—" Ay, but you were there in contemplation of law, because you told Lawler, that Brady would inform him when there would be a meeting in Thomas Street; and because you told him so, you shall be answerable with your life for what is done at any meeting, at any distance of time, at any place, by strangers whom you have never seen or heard of. You have put your name, you have indorsed the treasonable purpose, and through whatever number of persons it may pass, the growing interest of your crime is accumulating against you, and you must pay it with your blood, when it is demanded of you."—Gentlemen, before we shall have learned to shed blood in sport—while death and slaughter are yet not matter of pastime among us, let us consider maturely before we establish a rule of justice of this kind—terrible rules, as we have seen them to be, when weighed upon the day of retribution.

I confess it is new to me: whatever doctrines I have learned, I have endeavoured to learn them from the good sense and humanity of the English law. I have been taught, that no man's life shall be sacrificed to the ingenuity of a scholium, and that even he who has heedlessly dropped the seed of guilt, should not answer for it with his blood, when it has grown under the culture of other hands from folly to crime, and from crime to treason; he shall not be called upon to answer for the wicked faults of casual and accidental folly. No, gentlemen; I say it with confidence, the act which makes a man guilty must be his own; or if it be by participation, it must be by actual participation, not by construction; a construction which leads to an endless confounding of person and things. If I do an act myself, I am answerable for it: if I do it by another, I am answerable also. If I strike the blow, I am answerable: if I send an assassin, and he strikes the blow, it is still my act; and I ought to be charged with the criminality of it. But, if I go into a society of men, into a club, or a playhouse, and a crime be there committed, there is no principle of law which shall bring home to me the guilty conduct of those men which they may pursue at any distance of time. What protection can a miserable man have from my discharging, perhaps, the ineffectual office of my duty to him, if the

rule laid down, that every word he said, or was said by a man with whom he ever had a conversation, shall affect him at any distance of time? Consider what will be the consequence of establishing the precedent, that a man shall always be responsible for the act of the society to which he has once belonged. Suppose a man heedlessly brought into an association where criminal purposes are going forward—suppose there was what has been stated, a society of men calling themselves Defenders, and answering in fact to the very singular picture drawn of them.—Will you give it abroad, that if a man once belongs to a criminal confederacy, his case is desperate—his retreat is cut off—that every man, once present at a meeting to subvert the government, shall be answerable for every thing done at any distance of time by this flagitious association? What is the law in this respect?—As in the association there is peril, so in the moment of retreat there is safety. What could this man have done? He quitted the city—he went to another part of the kingdom, when the treasonable acts were committed; yes, but he was virtually among them. What constitutes a man virtually present, when he is physically absent? What is the principle of law by which he shall be tried? It can alone be tried by that, by which the mandate or authority of any man is brought home to him—by previously sug-

gesting the crime, by which he becomes an accessary before the fact, and therefore a principal in treason; for, by suggesting the crime, he proves the concurrence of his will with that of the party committing the crime. This is a maxim of law, that which in ordinary felonies makes a man an accessary, in treason will constitute him a principal, because in treason there are no accessaries. Suppose a meeting held for one purpose, and a totally distinct crime is committed, are those who were at the first meeting accessaries? Certainly not: because they must be procurers of the fact done. To make a man a principal, he must be '*quodammodo* aiding and assisting—that is not proved. What then is the accessorial guilt? Did the prisoner write to the others?—Does he appear to be the leader of any fraternity—the conductor of any treasonable meeting? No such thing. I say, when he quitted Dublin, he had no intention of giving aid or countenance to any meeting; the connexion between him and the societies ceased, and there is no evidence that he had any knowledge of their subsequent acts. Unless there be positive evidence against him, you ought to consider him out of the sphere of any association. But still you make him answerable for what was done. If you do that, you establish a rule unknown to the sense or humanity of the law; making him answerable for what was done, not by himself but by other per-

sons.' Gentlemen, I feel that counsel, anxious as they ought to be, may be led further than they intend;—in point of time, I have pressed further than I foresaw upon the patience of the jury and the court. I say, the object of this part of the trial is, whether the guilt of any thing which happened in that society be in point of law brought home to the prisoner? I have endeavoured to submit that the charge ought to be clear, and the evidence explicit, and that though the meetings at which Lawler attended were guilty, yet the prisoner being absent, was not affected by their criminality. Give me leave now, with deference, to consider the case in another point of view. I say then, from what has appeared in evidence, the meetings themselves cannot, in the estimation of law, be guilty. If these meetings are not proveably guilty of treason, there can be no retroacted guilt upon the prisoner, even if the communication between them and him were proved. If there be no direct and original guilt—if they do not that, which if done by him, would amount to an overt act of treason, *à fortiori* it cannot extend to him. Therefore let me suppose, that the prisoner were at the time present at these meetings. Be pleased to examine this, whether, if he were, the evidence given would amount to the proof required. I conceive that nothing can be more clear, than the distinction between mere casual indiscreet language, and lan-

guage conveying a deliberated and debated purpose. To give evidence of overt acts, the evidence must be clear and direct. How is Hensey's case? A species of evidence was adduced which it was impossible for any man to deny: actual proof of correspondence found in his own writing and possession. How was it in Lord Preston's case?—Evidence equally clear of a purpose acted upon; going to another country for that treasonable purpose. In every case of which we read memorials in the law, the act is such, that no man could say it is not an overt act of the means used by the party in effectuation of his guilty intent. But I said, that a deliberate purpose expressed and acted upon is different from a casual indiscreet expression. Suppose, now, that the meeting were all indicted for compassing the King's death, and that the overt act charged is, that they consulted about giving aid to the King's enemies, actually at war. The guilt of all is the guilt of each, there is no distinction between them. If that meeting held that consultation, they are all guilty of that species of high treason. But if the evidence were, that at that meeting, which consisted of as many as are now here, one individual turned about to another, and said, "We must get arms to assist the French, when they come here;" would any reasonable man say, that was a consultation to adhere to the King's enemies?—a mere casual expression, not

answered by any one—not addressed to the body? —Can it be sustained for a moment in a court of justice, that it was a consultation to effect the death of the King, or adhere to his enemies? No, gentlemen:—this is not matter of any deep or profound learning—it is familiar to the plainest understanding. The foolish language of one servant in your hall is not evidence to affect all the other servants in your house: it is not the guilt of the rest. I am aware it may be the guilt of the rest; it may become such. But I rely upon this; I address it to you with the confidence that my own conviction inspires; that your Lordships will state to the jury, that a consultation upon a subject is a reciprocation of sentiment upon the same subject. Every man understands the meaning of a consultation: there is no servant that cannot understand it. If a man said to another, "We will conspire to kill the King," no lacquey could mistake it. But what is a consultation?—Why, such as a child could not mistake, if it passed before him: one saying to another, "We are here together private friends—we are at war—the French may land, and if they do, we will assist them."—To make that a consultation, there must be an assent to the same thought; upon that assent, the guilt of the consultation is founded. Is that proved by a casual expression of one man, without the man to whom it was directed making any answer, and

when, in fact, every other man but the person using the expression was attending for another purpose? But if there be any force in what I have said as applied to any man attending there, how much more forcible will it appear, when applied to a man who was one hundred miles distant from the place of meeting, if the law be clear, that there is no treason in hearing treasonable designs, and not consenting thereto—though it be another offence, unless he goes there knowing beforehand the meeting was to be. Here, gentlemen, see how careful the law is, and how far it is from being unprovided as to different cases of this kind. If a man go to a meeting, knowing that the object is to hatch a crime, he shall be joined in the guilt. If he go there and take a part, without knowing previously, he is involved: though that has been doubted. Foster says, "this is proper to be left to the jury, though a party do, or say nothing as to the consultation." If, for instance, a man, knowing of a design to imprison the King, goes to a meeting to consult for that purpose, his going there is an obvious proof of his assent and encouragement. This is the law, as it is laid down by one of the most enlightened writers in any science. Compare that doctrine with what Mr. Attorney General wishes to inculcate, when he seeks to convict the prisoner. There was a meeting in Barrack Street, and it was treason, because they laughed.

—As Sancho said, "They all talked of me, because they laughed."—But then there is a Catechism.—Ay! what say you to that?—The cock crew in France—what say you to that?—Why, I say it might be foolish, it might be indecent to talk in this manner—but what is the charge?—that he consulted to kill the King. Where was it, he did that?—At Cork!—But did he not assist?—No, he was not there.—But he did assist, because he communicated signs. And thus you collect the guilt of the party, as the coroner upon an inquest of murder, who thought a man standing by was guilty—why?—because three drops of blood fell from his nose. This was thought to be invincible proof of his guilt. It reminds me also of an old woman, who undertook to prove that a ghost had appeared.—How do you know "there was a ghost in the room?"—"O! I'll prove to you, there must have been a ghost—for the very moment I went in, I fainted flat on the floor!" So says Mr. Attorney General—"O! I'll convince you, gentlemen, he designed to kill the King, for he laughed." Weldon was chargeable with all the guilt of the meeting—he laughed when the paper was read, and said, when the King's head was off, there was an end of the allegiance. In answer to that, I state the humane good sense of the law, that in the case of the life of a traitor, it is tender in proportion to the abomination of the crime: for the law of Eng-

land, while it suspended the sword of justice over the head of the guilty man, threw its protection around the innocent, to save his loyalty from the danger of such evidence:—it did more—it threw its protection around him whose innocence might be doubted, but who was not proved to be guilty. The mild and lenient policy of the law discharges a man from the necessity of proving his innocence, because otherwise it would look as if the jury were impannelled to condemn upon accusation, without evidence in support of it, but merely because he did not prove himself innocent. Therefore, gentlemen, I come round again to state what the law is. In order to make a general assembling and consultation evidence of overt acts, there must be that assembling, and the guilt must be marked by that consultation in order to charge any man who was present, and did not say any thing concurring with the guilt of that consultation. It is necessary that he should have notice that the guilty purpose was to be debated upon—that the meeting was convened for that purpose. But let me recal your attention to this, and you will feel it bearing strongly upon that case. The silence of a man at such a meeting is not criminal to the degree here charged. Then suppose his disclaimer necessary—suppose the law considered every man as abetting what he did not disavow; remember that the wretch now sought to be affected by his

silence at a meeting, was one hundred miles distant from it. There might have been a purpose from which his soul had recoiled.—Is this then the evidence upon which to convict the prisoner?—There is no statement of any particular purpose—no summons to confer upon any particular purpose—no authority given to any meeting by a deputy named: and let me remind you that at the last meeting, if these were the gossipings and communications you have heard, there was not any one man present who attended the first meeting, nor is there any evidence to show, that the prisoner had ever spoken to any one man who attended the last meeting, upon any occasion; and yet the monstrous absurdity contended for is, that although Weldon proposed no subject for discussion—although he proposed no meeting—although he did not know that any purpose was carried into effect, because he was then one hundred miles off, he is still to suffer for the foolish babble of one individual to another. You are to put all the proceedings together, and cut off the tissue of this talk, hearsay, and conjecture; you are to collect the materials of a verdict, by which you directly swear, that the man is guilty of compassing the King's death. But suppose a man were to suggest a treasonable meeting—that the meeting takes place, and he does not go—the first proposal may amount to evidence of

treason, if it went far enough, and amounted to an incitement.—But suppose the meeting held be a distinct one from that which was suggested, and the party does not attend, it appears to me, that the act of that meeting cannot be considered as his overt act. The previous incitement must be clearly established by evidence, and I rely upon it, that the subsequent acts of that meeting to which I am supposing he did not go, particularly if it be a meeting at which many others were present who were not at the first—I rely upon it, I say, that no declaration of any man (and more decidedly if it be by a man not privy to the original declaration), can be evidence upon which a jury can attach guilt to the party. It is nothing more than a misfeasance, which is certainly criminal, but not to the extent of this charge. To affect any man by subsequent debate, it must be with notice of the purpose; and if the meeting be dictated by himself, it is only in that point he can be guilty; because if you propose a meeting for one purpose, you shall not be affected by any other—no matter what the meeting is—however treasonable or bad; unless you know before for what purpose they assembled, you cannot be guilty virtually by what they have done. Gentlemen, I do not see that any thing further occurs to me upon the law of the case, that I have not endeavoured in some way to submit to you. Perhaps I have been going back somewhat

irregularly. Gentlemen, there remains only one, and that a very narrow subject of observation. I said, that the evidence upon which the life, and the fame and property of a man should be decided and extinguished, ought to be, of itself, evidence of a most cogent and impressive nature. Gentlemen, does it appear to you that the witness whom you saw upon the table comes under that description? Has he sworn truly?—If he has, what has he told you? As soon as he discovered the extent of the guilt, he quitted the fraternity.—Do you believe that? Hart told him that *all* the Protestants were massacred. "I did not like," said he, "the notion of massacreing *all*." Here is the picture he draws of himself—he, an accomplice in the guilt. I did not ask him, "Have you been promised a pardon?" I did not ask him, "Are you coming to swear by the acre?"—But I appeal to the picture he drew of himself on the table. What worked his contrition?—Is it the massacre of one wretch?—He was unappalled at the idea of dipping his hands, and lapping the blood of *part* of the Protestant body—it was only heaps of festering dead, that nauseated his appetite, and worked his repentance and conversion. Is your verdict to be founded upon the unsupported evidence of a wretch of that kind? His stomach stood a partial massacre—it was only an universal deluge of blood that made him a convert to humanity! And he is now the

honest, disinterested, and loyal witness in a court of justice. What said he further?—"As soon as I found from Hart their schemes, I went to Mr. Cowan." You saw, gentlemen, that he felt my motive in asking the question—"You abandoned them as soon as you found their criminality?" Because, had he answered otherwise, he would have destroyed his credit; but as it is, he has thrown his credit, and the foundation of it, overboard. If Lawler be innocent, Weldon must be so. He saw that, and therefore he said, he thought it no crime to kill the King. Therefore, gentlemen, my conscience told me, that if he felt no remorse at plunging a dagger into the heart of his King, he would feel no trembling hesitation at plunging a dagger into the breast of an individual subject by perjured testimony. Those workings of the heart, which agitate the feelings at the untimely fate of a fellow-creature, touch not him, and he could behold with delight, the perishing of that man who had a knowledge of his guilt. He has no compunction, and he betrays no reluctance, at drinking deep in the torrent of human blood, provided it leaves a remnant of the class. What stipulation can you make between a wretch of that kind and the sacred obligation of an oath? You are to swear upon his oath.—A verdict is not to be founded upon your own loyalty—not upon what you have seen or heard spoken disrespectfully of the

Government or the King. Your honest, pure, and constitutional verdict, can be founded only upon that sympathy that you feel between your own hearts and the credibility of the witness. It is a question for you—Will you hazard that oath upon the conscience of such a man?—a man influenced by hope, and agitated with fear—anxious for life and afraid to die—that you may safely say, We have heard a witness, he stated facts which we could not believe; he is a wretch, for he thought it no crime to murder his King—and a partial massacre appeared to him to be meritorious! Is it upon the testimony of that nefarious miscreant—the ready traitor—the prompt murderer (I retract not the expression—if I did, it would be to put in its place a word of more emphatic and combined reprobation); is it upon that evidence you will pronounce a verdict, establishing the most aggravated degree of criminality known to our law upon the person of that man supposed by the law to be innocent until his guilt be proved? I know not whether the man be a good subject or a bad one; it is not necessary for me to know, nor for you to inquire: but I exhort you, finally, to remember, that, in Great Britain, so anxious has the law been to guard against the perfidiousness of such men, that no less than two concurrent witnesses are necessary there in cases of treason. I call not upon you to adopt that law; but to show you the prin-

ciple, that there should be strong evidence, satisfying the mind of a jury. I commit the decision of this case to your consciences, not to your humanity. —I commit it to your determination upon the sound principles of justice and law.

The eloquence of his advocate could not redeem Weldon. He was convicted, and executed accordingly. About this period Mr. Curran was brought down special to Cork, in order to prosecute Sir Henry Hayes for the abduction of Miss Pike, a Quaker lady of considerable fortune. As the circumstances of the case are very ably detailed in the subsequent speech, it is unnecessary for me to recapitulate them. Sir Henry Hayes was convicted, and sentenced to death; which sentence was, however, afterwards commuted to transportation for fourteen years. The speech is a very able one, and in some parts extremely beautiful. It is not in the published collection, and its discovery cost me some trouble. It has the rare advantage of having received its author's correction. Sir Henry was very popular in Cork, among the lower orders particularly. An old fishwoman, who had known Curran for many years on that cir-

cuit, which he originally went, saluted him, as he was going into the court-house, with the common Irish cheer of encouragement—"Huzza, Counsellor! I hope you'll gain *the day*."—"Take care, my good woman," answered Curran, good-humouredly, "if I should, that you don't lose *the knight*." The following is the speech which he then delivered. Sir Henry has since returned from transportation.

My Lord, and Gentlemen of the Jury, It is my duty, as one of the counsel in this prosecution, to state to your Lordship, and to you, Gentlemen of the Jury, such facts as I am instructed will be established by evidence, in order that you may be informed of the nature of the offence charged by the indictment, and be rendered capable of understanding that evidence, which, without some previous statement, might appear irrelevant or obscure. And I shall make a few such observations in point of law on the evidence we propose to adduce, with respect to the manner in which it will support the charge, if you shall believe it to be true, as may assist you in performing that awful duty which you are now called upon to discharge. In doing so, I cannot forget upon what very different ground from that of the learned counsel for the prisoner, I find

myself placed. It is the privilege, it is the obligation of those who have to defend a client on a trial for his life, to exert every force, and to call forth every resource, that zeal, and genius, and sagacity can suggest; it is an indulgence in favour of life; it has the sanction of usage; it has the permission of humanity; and the man who should linger one single step behind the most advanced limit of that privilege, and should fail to exercise every talent that Heaven had given him, in that defence, would be guilty of a mean desertion of his duty, and an abandonment of his client. Far different is the situation of him who is concerned for the Crown. Cautiously should he use his privileges; scrupulously should he keep within the duties of accusation. His task is to lay fairly the nature of the case before the Court and the Jury. Should he endeavour to gain a verdict otherwise than by evidence, he were unworthy of speaking in a court of justice. If I heard a counsel for the Crown state any thing that I did not think founded in law, I should say to myself, God grant that the man who has stated this may be an ignorant man, because his ignorance can be his only justification. It shall therefore be my endeavour so to lay the matters of fact and of law before you, as shall enable you clearly to comprehend them; and, finally, by your verdict, to do complete justice between the prisoner and the public.

My Lord, and Gentlemen of the Jury, this is an indictment found by the grand jury against the prisoner at the bar, for having feloniously carried away Mary Pike, with intent, against her will, to marry her: there is another charge also, that he did feloniously carry her away with intent to defile her. There was a former statute made on this subject, enacting the punishment of death against any man that should by violence carry away a female, and actually marry or defile her; but it was found that young creatures, the victims of this sort of crime, from their natural timidity, and the awful impression made upon them in an assembly like the present, were often unequal to the task of prosecution, and that offences against that statute often passed unpunished, because the natural delicacy and modesty of the sex shrunk from the revolting details that were called for on such trials. It therefore became necessary to enact a new law upon the subject, making the taking away with intent to marry or defile, although in fact no such marriage or defilement had taken place, felony of death. Thus was suppressed the necessity of all those shocking but necessary details that were otherwise required. Of the enormity of the crime, I trust I need say but little. I trust in God there could not be found in this great city twelve men to whom it could be necessary to expatiate on the hideous enormity of such an offence. It goes to sap the

foundation of all civil society; it goes to check the working of that natural affection which Heaven has planted in the breast of the parent for the child; in fact, gentlemen of the jury, if crimes like this shall be encouraged and multiplied by impunity, why should you defraud your own gratifications of the fruits of your industry? Why lay up the acquisitions of self-denying toil as an advancement for your child? Why check your own appetites to give her all? Why labour to adorn her person or her mind with useless, with fatal accomplishments?—You are only decking her with temptations for lust and rapine; you are refining her heart, only to make her feel more profoundly the agony of violation and of dishonour. Why, then, labour to multiply the inducements of the ravisher? Why labour to augment and to perpetuate the sufferings of the victim? Instead of telling you my opinion of the enormity of this crime, I will tell you that of the legislature upon it—the legislature has deemed it a crime deserving the punishment of death. I will now state to you the facts as I am instructed they will appear to you in evidence.

The prisoner at the bar (and, considering his education, his age, his rank, and situation in society, I do regret from my soul that he is there) married many years ago; his wife died, leaving him the surviving parent of, I believe, many children. Miss Mary Pike is the only child of a per-

son whom, I suppose, you all know—Mr. Samuel Pike, of this city. He had devoted a long life to a very persevering and successful industry, and died advanced in years, leaving this only child entitled to all the fruits of his laborious and persevering application. The property she is entitled to, I understand, is very great indeed. At the time of the transaction to which your attention must be called, she was living in the house, and under the protection of an universally-respected member of society, Mr. Cooper Penrose: from the moment her mind was susceptible of it, no expense was spared to give her every accomplishment that she was capable of receiving; and in the house of her own father, while he lived, and in the house of Mr. Penrose, when she came under his protection, her mind was formed to the most correct principles of modesty, and delicacy, and decorum, with that additional characteristic humility and reserve that belongs to that most respectable sect of which her father was a member. The prisoner at the bar, it seems, had heard of her, and had heard of her property; for it is a material circumstance in this case, that he never, by any accident, had seen her, even for a moment, until he went to see and identify her person, and mark her out the victim of his projected crime. He was not induced by the common motives that influence young men—by any individual attachment to the mind or the per

son of the lady; it will appear, that his first approach to her was meanly and perfidiously contrived, with the single purpose of identifying her person, in order that he might feloniously steal it, as the title-deed of her estate. Some time before the 22d of July, in the year 1797, he rode down to the residence of Mr. Penrose. Mr. Penrose has a country-house, built in a very beautiful situation, and which attracts the curiosity of strangers, who frequently go to see it. The prisoner at the bar went into the grounds as one of these, and seemed to observe every thing with great attention. Mr. Penrose immediately came out to him, and conducted him to whatever objects he supposed might gratify his curiosity: he affected to be much entertained; he lingered about the grounds till the hour of Mr. Penrose's dinner approached: Mr. Penrose, quite a stranger to the prisoner at the bar, not, I suppose, very anxious to invite a perfect stranger in among his family—more desirous, probably, of enjoying the little exclusive confidential intercourse of that family; however, with that good nature which any man of his family and honest turn of mind will feel it his duty to exercise, he did invite Sir Henry Hayes to dinner. The invitation was accepted of; and thus the first step towards the crime he meditated, was an abuse of the sacred duty which the hospitality of his host imposed upon him as a man, and as a gentleman. He

placed himself at the friendly and unsuspecting board, in order to the accomplishment of his design by the most unfeeling and unextenuated violation of the rights of the host, whom he made his dupe—of the lady, whom he marked as his victim—and of the law, which he determined to trample upon and disgrace by the commission of a felony of death. There, when the eye of the prisoner could escape from the smiles that were lavished upon him—those honest smiles of respect and cordiality that come only from the heart—it was to search the room, to find out who probably was the person that he had come to identify. He made his observation, and took his departure; but it was not a departure for the last time. Mrs. Pike, the widow, mother of the prosecutrix, was then in Cork, in a dangerous state of health. In order to get Miss Pike out of the hands of her protector, a stratagem was adopted. Dr. Gibbings was the attending physician upon her mother; it does not appear that the prisoner knew Dr. Gibbings's hand; it was necessary that a letter should be sent, as if from Dr. Gibbings; but, to do so with effect, it was necessary that a letter should be written to Mr. Penrose in a hand-writing, bearing such a similitude to the Doctor's as might be likely to pass for genuine. To qualify himself for this, the prisoner at the bar made some pretext for sending a written message to Doctor Gibbings,

which procured in return, a written answer from the Doctor. Thus was he furnished with the form of the hand-writing of Doctor Gibbings, which he intended to counterfeit; and accordingly there was written on the 22d day of July 1797, a letter, so like the character of Doctor Gibbings, that he himself on a slight glance would be apt to take it for his own. It was in these words: "Dear Sir, Our friend, Mrs. Pike, is taken suddenly ill; she wishes to see Miss Pike; we would recommend despatch, as we think that she has not many hours to live. Your's, Robert Gibbings." Addressed "To Mr. Cooper Penrose." The first step to the crime was a flagrant breach of hospitality; and the second, towards the completion, was the inhuman fraud of practising upon the piety of the child, to decoy her into the trap of the ravisher; to seduce her to destruction by the angelic impulses of that feeling that attaches her to the parent; that sends her after the hour of midnight, from the house of her protector, to pay the last duty, and to receive the parting benediction. Such was the intention, with which the prosecutrix, on a rainy night, between one and two o'clock in the morning, rose from her bed; such was her intention, it was not her destination; it was not to visit the sick bed of a parent; it was not to carry a daughter's duty of consolation to her dying mother; it was not for that she came abroad; it was, that she might fall into the

hands of preconcerted villany; that she should fall into that trap that was laid for her, with the intention to despoil her of every thing that makes human existence worth the having by any female who has any feeling of delicacy or honour. I should state to you, that she left the house of Mr. Penrose, in his carriage, attended by two female relations, one of them his daughter; and when they had advanced about half way to Cork, the carriage was suddenly met by four or five men. They ordered the coachman to stop. One of them was dressed in a great coat, and armed with pistols, and had the lower part of his face concealed, by tying a handkerchief round it. The ladies, as you may suppose, were exceedingly terrified at such a circumstance as this; they asked, as well as extreme terror would permit, what they sought for; they were answered, "They must be searched:" on looking about, they observed another chaise stationed near the place where they were detained. It will appear to you, that Miss Pike was forcibly taken out of the carriage from her friends; that she was placed in the other chaise which I have mentioned, in which she found, shame to tell it—she found a woman. The traces of Mr. Penrose's chaise were then cut; and the ladies that came in it, left of course to find their way as well as they could, and return in the dark. The carriage into which the prosecutrix was put, drove off towards

Cork; the female that was with her, will appear to you to have been the sister of the prisoner. Happy! happy for her! that death has taken her away from being the companion of his trial, and of his punishment, as she was the accomplice of his guilt: but she is dead. The carriage drove on to the seat belonging to the prisoner at the bar, called Vernon Mount, in the liberties of the city. At the bottom of his avenue, which it seems is a steep ascent, and of considerable length, the horses refused to go on; upon which the prisoner rode up to the chaise; dismounted from his horse, which he gave to one of his attendants, opened the door, took the prosecutrix out, and carried her, struggling in his arms, the whole length of the avenue, to his house; when he arrived there he carried her up stairs, where she saw a man, attired in somewhat like the dress of a priest; and she was then told, that she was brought there to marry the prisoner at the bar. In what frame of mind the miserable wretch must have been, any man that has feelings, must picture to himself. She had quitted the innocent and respectable protection of her friends and family; and found herself, good God!—where?—in the power of an inexorable ravisher, and surrounded by his accomplices: she looked in every mean and guilty countenance; she saw the base unfeeling accomplices induced by bribe, and armed for present force,

bound and pledged by the community of guilt and danger, by the felon's necessity, to the future perjury of self-defence. Thus situated, what was she to look to for assistance? What was she to do? Was she to implore the unfeeling heart of the prisoner? As well might she have invoked her buried father to burst the cerements of the grave, and rise to the protection of his forlorn and miserable child. There, whatever sort of ceremony they thought right to perform, took place; something was muttered in a language, which she partly did not hear, and partly could not understand: she was then his wife—she was then Lady Hayes. A letter was then to be written to apprize her miserable relations of their new affinity: a pen was put into her hand, and she consented to write, in hopes that it might lead to her deliverance; but, when the sad scroll was finished, and the subscription only remained, neither entreaties nor menaces could prevail upon her, desolate and forlorn as she was, to write the odious name of the ravisher. She subscribed herself by the surname of her departed father: as if she thought there was some mysterious virtue in the name of her family, to which she would cling, in that hour of terror, as a refuge from lawless force and unmerited suffering. A ceremony of marriage had taken place; a ring was forced upon her finger; she tore it off, and indignantly dashed it from her; she was then

forced into an adjoining chamber, and the prisoner brutally endeavoured to push her towards the bed.

My Lord and Gentlemen of the Jury, you will soon see this young lady. You will see that whatever grace or proportion her person possesses, it does not seem formed for much power of resistance, or of self-defence. But there is a last effort of sinking modesty, that can rally more than the powers of nature to the heart, and send them to every fibre of the frame, where they can achieve more than mere vulgar strength can do upon any ordinary occasion: that effort she did make, and made it with effect: and in that instance, innocence was crowned with success. Baffled and frustrated in his purposes of force, he sought to soften, to conciliate. He expostulated, he supplicated. "And do you not know me?" said he. "Don't you know who I am?"—"Yes," answered she, "I do know you; I do now remember you did go to my cousin's, as you say you did. I remember your mean intrusion—you are Sir Henry Hayes." How naturally do the parties support their characters! The criminal puts his questions under the consciousness of guilt; as if under the forecast of his present situation. The innocent victim of that guilt regards him already as his prosecutrix; she recognises him, but it is only to identify him as a malefactor, and to

disclaim him as an husband. Gentlemen, she remained in this captivity, until her friends got intelligence of her situation. Justice was applied to. A party went to the house of the prisoner for the purpose of enlarging her. The prisoner at the bar had fled. His sister, his accomplice, had fled. They left behind them Miss Pike, who was taken back by her relations. Informations were lodged immediately. The prisoner absconded. It would be base and scandalous to suffer a crime of that kind to pass with impunity, without doing every thing that could be done to bring the offender to justice. Government was apprized of it. Government felt as it ought. There was offered by proclamation, a reward to a considerable amount for taking the prisoner. The family of Miss Pike did as they ought. They offered a considerable sum, as the reward for his apprehension. For some time he kept in concealment; the rewards were offered in vain—the process of the law went on—an indictment, to the honour of this city, to the honour of the national character, was found—they proceeded to the outlawry of the prisoner. What I have stated hitherto reflects honour upon all persons concerned, except the unhappy man at the bar, and his accomplices; but what I am about to relate, is a circumstance that no man of feeling or humanity can listen to without indignation. Notwithstanding that outlawry; notwithstanding the

publicly offered rewards, to the amount of near one thousand pounds, for the apprehension of the prisoner at the bar—(would to God the story could not be told in a foreign country! would to God it were not in the power of those so ready to defame us, to adduce such a circumstance in corroboration of their charge!)—for near two years did the prisoner live in public, almost in the heart of your city; reading in every newspaper, over his tea, the miserable proclamation of impotent public justice, of the laws defiled and trampled upon. The second city in the nation was made the hiding-place; no! no! not the hiding-place, where guilt hid its head; but the receptacle where it walked abroad, unappalled; and threw your degraded city into the odious predicament of being a sort of public accessary and accomplice in his crime, by giving it that hideous appearance of protection and impunity. Here he strayed, basking in the favour of a numerous kindred and acquaintance, in a widely extended city. Sad reverse! It was not for guilt to fly! It was for guilt to stand, and bay at public justice! It was only for innocence to betake itself to flight! It was not the ravisher that fled! It was the helpless female, the object of his crime, the victim of his felony! It was hers to feel that she could despair even of personal protection in that country which harboured and cherished the delinquent! It was she who was

hunted, a poor fugitive from her family and her home; and was forced to fling herself at the feet of a foreign nation, a suppliant for personal protection. She fled to England, where she remained for two years. A few months ago, previous to the last term, a letter was written and sent to Miss Pike, the prosecutrix, by the prisoner. The purport of it was, to state to her, that his conduct to her had been honourable and delicate, and asserting, that any lady possessed of the smallest particle of humanity, could not be so sanguinary as to wish for the blood of an individual, however guilty; intimating a threat, that her conduct upon this occasion, would mark her fate through life: desiring her to withdraw her advertisements; saying, he would abide his trial at the assizes of Cork —boasting his influence in the city in which he lived—thanking God he stands as high as any man in the regards of rich and poor—of which the inefficacy of her present and former rewards must convince her. He thought, I suppose, that an interval of two years, during which he had been an outlaw, and had resided among his friends, had brought the public mind to such a state of honourable sympathy in his favour, as would leave any form of trial perfectly safe. After this he thought proper to appear, and the outlawry was reversed without opposition by counsel for the prosecution; because their object was not to take any judgment

of outlawry, upon which he might be executed; but to admit him to plead to the charge, and take his trial by a jury of his country. He pleaded to that indictment in the Court above, and accordingly he now stands at the bar of this Court for the purpose of trial. The publicity of his living in this city, of his going to festivals and entertainments, during the course of two years, did impress the minds of the friends of this unhappy lady, with such a despair of obtaining public justice, that they did struggle hard; not, as it is said, to try the offence by a foreign jury; but, to try the offence at a distant place in the capital, where the authority of the Court might keep public justice in some sort of countenance. That application was refused: and justly did you, my Lord, and the learned judges, your brethren, ground yourselves upon the reason which you gave. "We will not," said you, "give a judicial sanction to a reproach of such a scandalous atrocity upon any county in the land, much less upon the second city in it."—"I do remember," said one of you, "a case, which happened not twenty years since. A similar crime was committed on two young women of the name of Kennedy; it was actually necessary to guard them through two counties with a military force as they went to prosecute; that mean and odious bias, that the dregs of every community will feel by natural sympathy with every thing base, was in

favour of the prisoners. Every means used to try and baffle justice, by practising upon the modesty and constancy of the prosecutrixes, and their friends: but the infatuated populace, that had assembled together to celebrate the triumph of an acquittal, were the unwilling spectators of the vindication of the law. The Court recollected, that particular respect is due to the female, who nobly comes forward to vindicate the law, and gives protection to her sex. The jury remembered what they owed to their oaths, to their families, to their country. They felt as became the fathers of families; and foresaw what the hideous consequence would be of impunity, in a case of manifest guilt. They pronounced that verdict which saved their characters; and the offenders were executed." I am glad that the Court of King's Bench did not yield to the despair which had taken place in the minds of those who were anxious to bring the prosecution forward. I am glad the prisoner was sent to this bar, in order that you may decide upon it. I have stated to you, gentlemen of the jury, the facts that I conceive material—I have stated that it was necessary, and my duty as counsel for the Crown, to give you an exact idea of the nature of the offence, of the evidence, and of the law; that you may be enabled to combine the whole case together, and to pronounce such a verdict as shall fairly decide the question, which you are sworn to

try, between the prisoner and the public. Any thing I say, either as to the fact, or as to the law, ought not to attract any thing more than bare attention for a single moment. It should make no impression upon your belief, unless confirmed by credible evidence. I am merely stating facts from instruction; but I am not a witness. I am also obliged, as I told you, to make observations as to the law, but that is wholly submitted to the Court; to which it is your duty, as well as mine, to bow with all becoming deference and respect.

My Lord, the prisoner is indicted as a principal offender, upon the statute; and, therefore, it is necessary that the jury shall understand what kind of evidence is necessary to sustain that charge. Formerly there was a distinction taken by courts of justice between two species of principals: the one a principal at the doing of the very act; the other, a principal in the second degree, who was then considered as an accessary at the fact: a distinction in point of law, which, as Mr. Justice Foster observes, was a great inconvenience in the course and order of proceeding against accomplices in felony; tending, as it plainly did, to the total obstruction of justice in many cases, and to great delay in others; and which induced the judges, from a principle of true political justice, to come into the rule now established: "That all persons present, aiding,

and abetting, are principals." Mr. Curran then proceeded to show, what kind of presence it is, that will make a man concurring in the crime, in judgment of the law; "present, aiding, and assisting:" which to explain, he read the words of the last-mentioned writer as follows: "When the law requireth the presence of the accomplice at the perpetration of the fact, in order to render him a principal, it doth not require a strict, actual, immediate presence; such a presence as would make him an eye or ear witness of what passeth." And then exemplified this in the case that he puts. "Several persons set out together, or in small parties, upon one common design, be it murder, or other felony; or for any other purpose, unlawful in itself; and each taketh the part assigned him: one to commit the fact, others to watch at proper stations, to prevent a surprise, or favour, if need be, the escape of those who are more immediately engaged; they are all (provided the fact be committed), in the eye of the law, present at it. For it was made a common cause with them, each man operated in his station, at one and the same instant, towards the same common end: and the part each man took, tended to give countenance, encouragement, and protection, to the whole gang, and to insure the success of their common enterprise." He then applied this statement of the law to the case, and said, if the prisoner at the bar

formed a design of doing the illegal act with which he is charged, namely, running away with Miss Pike, in order to marry her, or defile her; if he projected the perpetration of it by dividing his accomplices in such manner, as that each may contribute his part to its success; that it was made a common cause; that what each man did, tended to secure the success of the common enterprise; then every person so acting, although not an eye or ear witness of what was done, yet in the eye of the law is guilty. He is a principal, and punishable as such. He then illustrated this by a supposition, that some should guard at Mr. Penrose's bounds; others guard at different stations on the road; others guard the bridge; others remain at the house of Vernon Mount. In that case, he should not hesitate to say in point of law, that the man stationed at the back door of Mr. Penrose's house (supposing her to be taken out by violence), the men guarding on the road, and at the bridge; nay, the priest that waited at Vernon Mount to celebrate the marriage, were all a combination of one common power; acting each man in his station, to produce the intended effect; and, as such, were all equally principals in the offence. But in the present case it was not necessary to argue upon a constructive presence; for here was an actual presence: if what he stated should be supported by witness, there was full ground to

convince the jury, that Sir Henry Hayes was the person in disguise, who put her into his carriage, when taken out of Mr. Penrose's; particularly when the circumstance is considered, that he went to the house in order to identify her person, for that knowledge of her person would have been useless, unless he had been present at the first taking of her. If the jury believes he was there at such first taking, he was actually present and guilty. But, supposing the jury to doubt, strange as the doubt must be, yet if there shall be evidence to satisfy them that the prisoner at the bottom of the hill, leading to his house, took her out of his carriage, and led her to the house; that is, as to him, a taking and carrying away, clearly within the statute. There could not be the least doubt, that every step the chaise proceeded from Mr. Penrose's to Vernon Mount, every man who joined the cavalcade, and became an assistant in the project, became a principal in the entire transaction, and guilty of carrying her away, contrary to the statute. In further illustration, he supposed this case: a highwayman stops a traveller, and proceeds to rob him; and another comes up to the assistance of that robber; there is not the least doubt, that the man who joins in the robbery a little later, is equally guilty with the former in the eye of the law. He applied this to the present case, and proceeded: Thus I have stated

the nature of the case, and what I conceive to be the law touching that case. I know what kind of defence may be set up. There are some defences which if they can be established clearly, must acquit the prisoner. If he did not do this, if she was not taken away, or if Sir Henry took no share in the transaction, there can be no doubt in the case. It will be for your consciences to say, whether this be a mere tale of the imagination, unsupported by truth and uncorroborated by evidence. It is material, however, to state to you, that, as soon as guilt is once established in the eye of the law, nothing that the party can do, can have any sort of retrospect, so as to purge that criminality, if once completed. It is out of the power of the expiring victim of a death-blow, to give any release or acquittal to his murderer; it is out of the power of any human creature, upon whom an illegal offence has been committed, by any act of forgiveness to purge that original guilt; and, therefore, the semblance of a marriage is entirely out of the case. In the case of the Misses Kennedy, the young ladies had been obliged to submit to a marriage, and cohabitation for a length of time; yet the offenders were most justly convicted, and suffered death. It is, therefore, necessary for you to keep your minds and understandings so fixed upon the material points of the charge, as that, in the course of the examination,

no sidelong view of the subject may mislead or divert your attention. The point before you is, whether the crime was once committed; and if so, nothing after happening can make any sort of difference upon the subject. It has been, continued he, my most anxious wish to abstain, as far as was consistent with my duty, from every the remotest expression of contumely or disrespect to the unhappy prisoner at the bar; or to say or to do any thing that might unhinge his mind or distract his recollection, so as to disable him from giving his whole undisturbed reflection to the consideration of his defence; but it is also a sacred duty, which every man placed in my situation owes to public justice, to take care, under the affectation of false humanity, not to suffocate that charge which it is his duty to unfold, nor to frustrate the force of that evidence which it is his duty to develope. Painful must it be to the counsel, to the jury, and the Court, who are bound by their respective duties to prosecute, to convict, and to pronounce; and to draw down the stroke of public justice, even upon the guilty head; but despicable would they all be, if, instead of surrendering the criminal to the law, they could abandon the law to the criminal; if, instead of having mercy upon outraged justice and injured innocence, they should squander their disgraceful sympathy upon guilt alone. Justice may weep; but she must strike, where she ought not

to spare. We too ought to lament; but, when we mourn over crimes, let us take care, that there be no crimes of our own, upon which our tears should be shed. Gentlemen, you cannot be surprised that I hold this language to you. Had this case no reference to any country but our own, the extraordinary circumstances attending it, which are known to the whole nation, would well warrant much more than I have said. But you cannot forget, that the eyes of another country also are upon you: another country, which is now the source of your legislation. You are not ignorant of what sort of character is given of us there; by what sort of men, and from what kind of motive. Alas! we have no power of contradicting the cruel calumnies that are there heaped upon us, in defiance of notorious truth, and of common mercy and humanity; but, when we are there charged with being a barbarous race of savages, with whom no measures can be held, upon whose devoted heads legislation can only pour down laws of fire, we can easily by our own misconduct furnish proof that a much less willing belief may corroborate their evidence, and turn their falsehood into truth. Once more, and for the last time, let me say to you, you have heard the charge. Believe nothing upon my statement. Hear and weigh the evidence. If you doubt its truth, acquit without hesitation. By the laws

of every country, because by those of eternal justice, doubt and acquittal are synonymous terms. If, on the other hand, the guilt of the prisoner shall unhappily be clearly proved, remember what you owe to your fame, your conscience, and your country. I shall trouble you no further, but shall call evidence in support of the indictment; and I have not a doubt, that there will be such a verdict given, whether of conviction or acquittal, as may hereafter be spoken of without kindling any shame in yourselves, or your country.

From this period he continued in considerable practice in his profession, alternately devoted to its duties, and to the enjoyments of society — enjoyments, indeed, which the business must have been very urgent that it could tempt him to relinquish. An attention to the pleasures, to the exclusion of the labours of life, has been made a constant article of accusation against him, certainly not without some foundation, but one to which he always gave a most indignant denial. However, his notions of industry were very ludicrous. An hour to him, was a day to another man; and in his natural capabilities his idleness found a powerful auxiliary. A single glance made him master

of the subject; and though imagination could not supply him facts, still it very often became a successful substitute for authorities. He told me once, in serious refutation of what he called the professional calumnies on this subject, that he was quite as laborious as it was necessary for any Nisi Prius advocate to be. "For," said he, with the utmost simplicity, "I always perused my briefs carefully when I was concerned for the plaintiff, and it was not necessary to do it for the defendant, because you know *I could pick up the facts from the opposite counsel's statement.*" This was what Curran considered being laborious; and, to say the truth, it was at best but an industrious idleness. However, his natural genius never deserted him—the want of legal learning was compensated by eloquence, ingenuity, and wit; and if it must be conceded that there were many men as lawyers his superiors, it may be maintained, with much more justice, that there was no one as advocate his equal. A distinction has, indeed, in almost all ages and all countries been attempted to be drawn, between the man of eloquence and the man of learning in this profession; as if it were quite impossible

for the same person to be at once brilliant and profound. The reason of this is very obvious. Genius is a gift but sparingly bestowed—industry is in the power of every blockhead; and therefore it is, that the multitude are interested in detracting from the excellence to which they aspire in vain. Pope's learned serjeants in Westminster Hall, who undervalued the learning, because they could not rival the genius of Lord Mansfield, were, in their own parlance, human precedents for many of Curran's calumniators—

> Each had a gravity would make you split,
> And shook his head at Murray *as a wit.*

It is, indeed, a very easy, but at the same time a very significant method of condemnation. Every barrister can "shake his head," and too often, like Sheridan's Lord Burleigh, it is the only proof he vouchsafes of his wisdom. Curran used to call these fellows "legal pearl-divers"—"You may observe them," he would say, "their heads barely under water—their eyes shut, and an index floating behind them, displaying the precise degree of their purity and their depth." In

his early day it is indisputable that black-letter learning was not so much cultivated by the profession, as it is at present. The Parliament was local. A seat in it was the aim of every young barrister's ambition; and to excel in that assembly, eloquence was much more necessary than learning. The consequence was, that most men calculated to shine in the courts, rather aimed at being advocates than lawyers; and, indeed, the very highest forensic elevation too often depended upon political importance. That day has, however, now passed away; and let us hope, that in the learning, the integrity, and the eloquence of her bench and her bar, Ireland may find some compensation for the loss of her Parliament, and the ruin of her independence. However, it is a great mistake to suppose, that Mr. Curran was universally indolent. It is quite impossible that any man, who had not, at some time or other, devoted himself seriously to study, could have attained his acquisitions and his accomplishments. He was a most admirable classical scholar—with the whole range of English literature he was perfectly acquainted—he not only spoke French like a native, but

was familiar with every eminent author in that language; and he had acquired a knowledge of music, that entitled him more to the character of a master than a proficient. His execution both on the violin and the violoncello was admirable, and the exquisite euphony of his sentences may perhaps be traced to his indefatigable attention to this study. Verbal discordance naturally enough offended the ear which had habituated itself to tones of harmony. He had also what I would rather call a propensity, than a taste for poetry. Whether it resulted from an affectation of singularity, or from the sincerity of judgment, his opinions upon this subject always struck me as very wild and whimsical. There are many, perhaps, who may remember his table dissertations upon Milton; and I choose to call them dissertations, although delivered in conversation; because they were literally committed to memory. It was very easy, in vulgar phrase, to *draw on him* for the criticism; and, to do him justice, he never refused acceptance. That criticism was certainly a finished specimen, at once of his want of taste and of his wonderful talents. He hated Milton like one

of the inhabitants of his own pandemonium. His choice of a subject which had so long perplexed the poet, he thought peculiarly injudicious. "If the theme was true," he would say, "it ought not to be the topic of profane poetry; and if it was not true, it would be very easy to have invented one more interesting." He would then run through the management of the poem, in a strain of alternate ridicule and sublimity, that was quite amazing. It was as impossible to hear his disbelief that the Almighty could wage war upon his angels, without an awful admiration; as it was his description of primitive simplicity, without laughter. Adam and Eve he certainly treated with very little filial reverence. However, here I must be understood to represent him rather as criticising the poet, than giving his own opinions upon those awful subjects. Whatever those opinions were, it was not for me to scrutinize; but it is only an act of strict justice to his memory to say, that I never heard from his lips an irreverent word against religion. He was far too wise for any such impious merriment. He was far too witty to have recourse for ridicule to such solemnities; and I am

convinced, even if he had entertained any doubts upon the subject, he would have been horror-struck at the thought of unfixing faith by their communication. Indeed, so little idea had he of any real happiness in this world, without some religious reference to the next, that he had a two-fold recommendation which he advised every young man to adopt—first, to marry a manageable wife; and next, if he had no religion, by all means to adopt one. Upon this subject, as well as upon many others, the vilest calumnies were let loose against him; but those who invented, and those who circulated such aspersions, knew him very little. It was the pitiful invention of defeated rivalry echoed by the gossipping of habitual scandal; and the miserable intellect which could not emulate, resorted to the mean revenge of defamation. But it would ill become the man he honoured with his friendship, not to shield him from the heaviness of such an imputation. His speeches are full of the most sublime illustrations from the sacred writings, all expressed with a manifest sincerity, and evincing a far from common familiarity with the holy volume. Let, then, no polluted

hand presume to add the name of Curran to the accursed list of infidelity. He is passed away to the tribunal alone competent either to interrogate or to adjudge him, and I have no doubt, that fully and perfectly could I have attested his religious faith, if, during his life, I had had the temerity to inquire it. But it has always struck me that those are matters between man and his Creator, into which an inquisition is as impudent as it would be vain; and the assumption of which has been the origin of unutterable mischief. If Christians did not interfere with one another upon mysteries, perhaps the plain and indisputable essentials of Christianity might be more purely practised. But, where each man, in place of attending to his own salvation, employs his time in erecting some standard by which his neighbour's belief is to be adjudged, recrimination too often occupies the place of mutual forgiveness, and persecution follows the footsteps of religion, effacing them with blood. On this subject, Mr. Curran had no idea of permitting human interference with regard to himself; and he would never have thought of exercising it with respect to others. Provided the doc-

trines of the Gospel were practised, he thought it a matter of very little consequence in what garb they were preached. Religion was divine—its forms were human. There is no doubt there were times when he was subject to the most extreme despondency; but the origin of this was visible enough, without having recourse to any mysterious inquiries. It was the case with him as it is with every person whose spirits are apt to be occasionally excited—the depression is at intervals in exact proportion. Like a bow overstrained, the mind relaxes in consequence of the exertion. He was naturally extremely sensitive —domestic misfortunes rendered his home unhappy—he flew for a kind of refuge into public life; and the political ruin of his country, leaving him without an object of private enjoyment or of patriotic hope, flung him upon his own heart-devouring reflections. He was at those times a striking instance of his own remark upon the disadvantages attendant upon too refined a sensibility. "Depend upon it, my dear friend," said he, "it is a serious misfortune in life to have a mind more sensitive or more cultivated than common—it naturally elevates its

possessor into a region which he must be doomed to find *nearly uninhabited!*" It was a deplorable thing to see him in the decline of life, when visited by this constitutional melancholy. I have not unfrequently accompanied him in his walks upon such occasions, almost at the hour of midnight. He had gardens attached to the Priory, of which he was particularly fond: and into these gardens, when so affected, no matter at what hour, he used to ramble. It was then almost impossible to divert his mind from themes of sadness. The gloom of his own thoughts discoloured every thing, and from calamity to calamity he would wander on, seeing in the future nothing for hope, and in the past nothing but disappointment—You could not recognise in him the same creature, who but an hour preceding had "set the table in a roar"—his gibes, his merriment, his flashes of wit were all extinguished. He had a favourite little daughter, who was a sort of musical prodigy. She had died at the age of twelve, and he had her buried in the midst of a small grove just adjoining this garden. A little rustic memorial was raised over her, and often and often have I seen

him, the tears "chasing each other" down his cheeks, point to his daughter's monument, and "wish to be with her and at rest." Such at times was the man before whose very look, not merely gravity but sadness has often vanished—who has given birth to more enjoyment, and uttered more wit, than, perhaps, any of his cotemporaries in any country—who had in him materials for social happiness, such as we cannot hope again to see combined in any one; and whose death has cast, I fear, a permanent eclipse upon the festivities of his circle. Yet even these melancholy hours were not without their moral. They proved the nothingness of this world's gifts—the worse than inutility of this world's attainments—they forced the mind into involuntary reflection—they showed a fellow-creature enriched with the finest natural endowments; having acquired the most extensive reputation, without a pecuniary want or a professional rival; yet weighed down with a constitutional depression that left the poorest wealthy, and the humblest happy in the comparison. Nor were they without a kind of mournful interest—he spoke as under such circumstances

no human being but himself could have spoken—his mind was so very strangely constituted—such an odd medley of the romantic and the humorous—now soaring into regions of light and sublimity for illustrations, and now burrowing under ground for such ludicrous and whimsical examples—drawing the most strange inferences from causes so remote, and accompanied at times with gestures so comic, that the smile and the tear often irresistibly met during the recital. Perhaps, after one of those scenes of misery, when he had walked himself tired, and wept himself tearless, he would again return into the house, where the picture of some friend, or the contingency of some accident, recalling an early or festive association, would hurry him into the very extreme of cheerfulness! His spirits rose—his wit returned—the jest, and the tale, and the anecdote pushed each other aside in an almost endless variety, and day dawned upon him, the happiest, the pleasantest, and the most fascinating of companions. The friends whom he admitted to an intimacy may perhaps recognise him, even in this hurried sketch, as he has often appeared to them in

the hospitalities of the Priory:—but, alas!—the look all-eloquent—the eye of fire—the tongue of harmony—the exquisite address that gave a charm to every thing, and spell-bound those who heard him, are gone for ever!

In order, rather that as much as possible of him should be preserved, than that they should be considered as ostentatiously put forward, I have collected the following fragments of his poetry. They were written, it is true, more for amusement than fame; but every thing left by such a man, no matter what may be its merit, deserves care as a curiosity. During his lighter hours, he was fond of employing himself in this laborious trifling, not wishing, as he said, like Judge Blackstone, to take leave of the Muses until he could be said to have formed some acquaintance with them. Such little efforts gave him the appearance of business and the relaxation of idleness; and when he could not bring his mind to any serious study, he was willing to do any thing rather than it should be supposed he was doing nothing. There is no doubt, however, that if from his

early years he had made poetry his profession, for such, from modern copyrights, it may almost be called, he would have risen to very considerable eminence. I think no person who peruses his speeches with attention will feel disposed to deny that he had the genuine elements of poetry in his mind—the fire, the energy, the wildness of imagination —the *os magna sonaturum*, and all the requisites which criticism requires in the character. These are selected from a great many; and no matter what may be their intrinsic merit, the composition of them had, no doubt, its use in matters of more importance. There are few studies which give the orator a greater copiousness, and at the same time a greater felicity of phrase, than poetry. To suit the rhyme or harmonize the metre, requires not merely genius but industry; and the variety of words which must necessarily be rejected, gives at once a familiarity with the language, and a fastidiousness in the use of it. Thus, it is a truth that many who have raised the greatest name in eloquence, commenced their career by the study of the Muses. Cicero himself did not disdain to be their votary, and in more modern times we

find the names of Chatham, Fox, Lord Mansfield, and a number of other equally successful orators courting their inspiration. In this point of view it is, rather than as soliciting for him the name of a poet, that I have committed the following frauds upon the album of some fair one, now perhaps, like Waller's Sacharissa, grown too old for poetry.

THE PLATE-WARMER.

In days of yore, when mighty Jove
With boundless sway rul'd all above,
He sometimes chanc'd abroad to roam
For comforts often miss'd at home:
For Juno, though a loving wife,
Yet lov'd the din of household strife;
Like her own peacocks, proud and shrill,
She forc'd him oft against his will,
Hen-peck'd and over-match'd, to fly,
Leaving her empress of the sky,
And hoping on our earth to find
Some fair, less vocal and more kind.
But soon the sire of men and gods
Grew weary of our low abodes;
Tir'd with his calendar of saints,
Their squalling loves, their dire complaints,
For queens themselves, when queens are frail,
And forc'd for justest cause, to rail,
To find themselves at last betray'd,
Will scold just like a lady's maid;

And thus poor Jove again is driv'n,
O sad resource! again to heav'n.
Downcast and surfeited with freaks,
The cropsick Thund'rer upward sneaks,
More like a loser than a winner,
And almost like an earthly sinner:
Half quench'd the lustre of his eyes,
And lank the curl that shakes the skies;
His doublet button'd to his chin,
Hides the torn tucker folded in.
Scarce well resolv'd to go or stay,
He onward takes his ling'ring way,
For well he knows the bed of roses
On which great Juno's mate reposes.
At length to heav'n's high portal come,
No smile, no squeeze, to welcome home,
With nose uptoss'd and bitter sneer,
She scowls upon her patient dear:
From morn till noon, from noon till night,
'T was still a lecture to the wight;
And yet the morning, sooth to say,
Was far the mildest of the day;
For in those regions of the sky,
The goddesses are rather shy
To beard the nipping early airs,
And therefore come not soon down stairs;
But, smugly wrapp'd, sit up and read,
Or take their chocolate in bed.
So Jove his breakfast took in quiet,
Looks there might be, but yet no riot;
And had good store of list'ners come,
It might have been no silent room;

But she, like our theatric wenches,
Lov'd not to play to empty benches.
Her brows close met in hostile form,
She heaves the symptoms of the storm;
But yet the storm itself repress'd,
Labours prelusive in her breast,
Reserv'd as music for that hour
When every male and female pow'r
Should crowd the festive board around,
With nectar and ambrosia crown'd,
In wreathed smiles and garlands dress'd,
With Jove to share the gen'rous feast.
'T was then the snowy-elbow'd queen
Drew forth the stores of rage and spleen;
'T was then the gather'd storm she sped
Full-level'd at the Thund'rer's head:
In descant dire she chanted o'er
The tale so often told before;
His graceless gambols here on earth,
The secret meeting, secret birth;
His country freaks in dells and valleys,
In town, o'er Strands and Cranbourne Alleys;
Here lifts his burglar hands the latch,
There scrambles through the peasant's thatch:
When such a prowling fox gets loose,
What honest man can keep his goose?
Nor was the Theban feat untold,
Trinoctial feat so fam'd of old;
When Night the pandar vigil kept,
And Phœbus snor'd as if he 'd slept.
And then Europa, hateful name!
A god, a bull! O fie for shame!

When vagrant love can cost so dear,
No wonder we 've no nursery here;
No wonder, when imperial Jove
Can meanly hunt each paltry love,
Sometimes on land, sometimes on water,
With this man's wife and that man's daughter,
If I must wear a matron willow,
And lonely press a barren pillow.
When Leda, too, thought fit to wander,
She found her paramour a gander;
And did his godship mount the nest,
And take his turn to hatch and rest?
And did he purvey for their food,
And mince it for their odious brood?—
The eagle wink'd and droop'd his wing,
Scarce to the dusky bolt could cling,
And look'd as if he thought his lord
A captain with a wooden sword;
While Juno's bird display'd on high
The thousand eyes of jealousy.
Hermes look'd arch, and Venus leer'd,
Minerva bridled, Momus sneer'd;
Poor Hebe trembled, simple lass,
And spilt the wine, and broke the glass.
Jove felt the weather rather rough,
And thought long since 't had blown enough.
His knife and fork unus'd, were cross'd,
His temper and his dinner lost;
For ere the vesper peal was done,
The viands were as cold as stone.
This Venus saw, and griev'd to see;
For though she thought Jove rather free,

Yet at his idle pranks she smil'd,
As wanderings of a heart beguil'd;
Nor wonder'd if astray he run,
For well she knew her scape-grace son;
And who can hope his way to find,
When blind, and guided by the blind?
Her finger to her brow she brought,
And gently touch'd the source of thought,
The unseen fountain of the brain,
Where Fancy breeds her shadowy train:
The vows that ever were to last,
But wither ere the lip they've pass'd;
The secret hope, the secret fear,
That heaves the sigh, or prompts the tear;
The ready turn, the quick disguise,
That cheats the lover's watchful eyes;
So from the rock, the sorc'rer's wand
The gushing waters can command;
So quickly started from the mind
The lucky thought she wish'd to find.
Her mantle round her then she threw,
Of twilight made, of modest hue:
The warp by mother Night was spun,
And shot athwart with beams of sun,
But beams first drawn through murky air,
To spunge the gloss and dim the glare;
Thus gifted with a double charm,
Like love, 't was secret and 't was warm;
It was the very same she wore
On Simois' banks, when, long before,
The sage Anchises form'd the plan
Of that so grave and godlike man,

Whose fame o'ertop'd the topmost star,
For arts of peace and deeds of war;
So fam'd for fighting and for praying,
For courting warm and cool betraying;
Who show'd poor Dido all on fire,
That Cyprus was not far from Tyre;
The founder of Hesperian hopes,
Sire of her demi-gods and popes.

And now her car the Paphian queen
Ascends, her car of sea-bright green.
Her Graces *slim*, with golden locks,
Sat smiling on the dicky-box,
While Cupid wantons with a sparrow
That perch'd upon the urchin's arrow.
She gave the word, and through the sky
Her doves th' according pinions ply;
As bounding thought, as glancing light,
So swift they wing their giddy flight;
They pass the Wain, they pass the sun,
The comet's burning train they shun;
Lightly they skim the ocean vast,
And touch the Lemnian isle at last.
Here Venus checks their winged speed,
And sets them free to rest or feed,
She bids her Graces sport the while,
Or pick sweet posies round the isle,
But cautions them against mishaps,
For Lemnos is the isle of traps;
Beware the lure of vulgar toys,
And fly from bulls and shepherd boys.

A cloud of smoke that climbs the sky,
Bespeaks the forge of Vulcan nigh;

Thither her way the goddess bends,
Her darling son her steps attends,
Led by the sigh that zephyr breathes,
That round her roseate neck he wreathes.
The plastic god of fire is found,
His various labours scatter'd round;
Unfinish'd bars, and bolts, and portals,
Cages for gods, and chains for mortals:
'T was iron work upon commission,
For a romance's first edition.
Soon as the beauteous queen he spied,
A sting of love, a sting of pride,
A pang of shame, of faith betray'd,
By turns his labouring breast invade;
But Venus quell'd them with a smile
That might a wiser god beguile;
'T was mix'd with shame, 't was mix'd with love,
To mix it with a blush she strove.
With hobbling steps he comes to greet
The faithless guest with welcome meet:
Pyracmon saw the vanquish'd god,
And gives to Steropes the nod;
He winks to Brontes, as to say,
We may be just as well away,
They 've got some iron in the fire:—
So all three modestly retire.
"And now, sweet Venus, tell," he cries,
"What cause has brought thee from the skies?
Why leave the seat of mighty Jove?
Alas! I fear it was not love.
What claim to love could Vulcan boast,
An outcast on an exile coast,

Condemn'd in this sequester'd isle,
To sink beneath unseemly toil?
'T is not for me to lead the war,
Or guide the day's refulgent car;
'T is not for me the dance to twine;
'T is not for me to court the Nine;
No vision whispers to my dream;
No muse inspires my wakeful theme;
No string responsive to my art,
Gives the sweet note that thrills the heart:
The present is with gloom o'ercast,
And sadness feeds upon the past.
Say then; for, ah! it can't be love,
What cause has brought thee from above?"
So spoke the god in jealous mood;
The wily goddess thus pursued:
"And canst thou, Vulcan, thus decline
The meeds of praise so justly thine?
To whom, the fav'rite son of heav'n,
The mystic powers of fire are giv'n:
That fire that feeds the star of night,
And fills the solar beam with light;
That bids the stream of life to glow
Through air, o'er earth, and depths below:
Thou deignest not to court the Nine,
Nor yet the mazy dance to twine;
But these light gifts of verse and song
To humbler natures must belong:
Behold yon oak that seems to reign
The monarch of the subject plain;
No flow'rs beneath his arms are found
To bloom and fling their fragrance round;

Abash'd in his o'erwhelming shade,
Their scents must die, their leaves must fade.
Thou dost not love through wastes of war
Headlong to drive th' ensanguin'd car,
That sweeps whole millions to the grave;
Thine is the nobler art to save:
Form'd by thy hand, the temper'd shield
Safe brings the warrior from the field;
Ah! couldst thou but thy mother see,
Her ev'ry thought attach'd to thee!
Not the light love that lives a day,
Which its own sighs can blow away,
But fix'd, and fervent in her breast,
The wish to make the blesser blest.
Then give thy splendid lot its due,
And view thyself as others view.
Great sure thou art, when from above
I come a supplicant from Jove;
For Jove himself laments, like thee,
To find no fate from suff'ring free:
Dire is the strife when Juno rails,
And fierce the din his ear assails;
In vain the festive board is crown'd,
No joys at that sad board are found;
And when the storm is spent at last,
The dinner's cold, and Jove must fast.
Couldst thou not then with skill divine,
For ev'ry cunning art is thine,
Contrive some spring, some potent chain,
That might an angry tongue restrain,
Or find, at least, some mystic charm,
To keep the suff'rer's viands warm?

Should great success thy toils befriend,
What glory must the deed attend,
What joy through all the realms above,
What high rewards from grateful Jove!
How bless'd! could I behold thee rise
To thy lost station in the skies;
How sweet! should vows thou mayst have thought,
Or lightly kept, or soon forgot,
Which wayward fates had seem'd to sever,
Those knots retie, and bind for ever!"
She said, and sigh'd, or seem'd to sigh,
And downward cast her conscious eye,
To leave the god more free to gaze:—
Who can withstand the voice of praise?
By beauty charm'd, by flatt'ry won,
Each doubt, each jealous fear is gone;
No more was bow'd his anxious head,
His heart was cheer'd, he smil'd and said:
"And couldst thou vainly hope to find
A pow'r that female tongue can bind?
Sweet friend! 't were easier far to drain
The waters from th' unruly main,
Or quench the stars, or bid the sun
No more his destin'd courses run.
By laws as old as earth or ocean,
That tongue is a perpetual motion,
Which marks the longitude of speech;
To curb its force no power can reach;
Its privilege is rais'd above
The sceptre of imperial Jove.
Thine other wish, some mystic charm
To keep the suff'rer's viands warm,

I know no interdict of fate,
Which says that art mayn't warm a plate.'
The model, too, I've got for that,
I take it from thy gipsy hat;
I saw thee thinking o'er the past,
I saw thine eye-beam upward cast,
I saw the concave catch the ray,
And turn its course another way;
Reflected back upon thy cheek,
It glow'd upon the dimple *sleek*."
The willing task was soon begun
And soon the grateful labour done:
The ore, obedient to his hand,
Assumes a shape to his command;
The tripod base stands firm below,
The burnish'd sides ascending grow;
Divisions apt th' interior bound,
With vaulted roof the top is crown'd.
The artist, amorous and vain,
Delights the structure to explain;
To show how rays converging meet,
And light is gather'd into heat.
Within its verge he flings a rose,
Behold how fresh and fair it glows;
O'erpower'd by heat, now see it waste,
Like vanish'd love its fragrance past!
Pleas'd with the gift, the Paphian queen
Remounts her car of sea-bright green;
The gloomy god desponding sighs,
To see her car ascend the skies,
And strains its less'ning form to trace,
Till sight is lost in misty space,

Then sullen yields his clouded brain
To converse with habitual pain.
The goddess now arriv'd above,
Displays the shining gift of love,
And shows fair Hebe how to lay
The plates of gold in order gay.
The gods and goddesses admire
The labour of the god of fire,
And give it a high-sounding name,
Such as might hand it down to fame,
If 't were to us, weak mortals, giv'n
To know the names of things in heav'n;
But on our sublunary earth
We have no words of noble birth,
And e'en our bards, in loftiest lays,
Must use the populace of phrase.
However call'd it may have been,
For many a circling year 't was seen
To glitter at each rich repast,
As long as heav'n was doom'd to last.
But faithless lord—and angry wife—
Repeated faults—rekindled strife—
Abandon'd all domestic cares—
To ruin sunk their own affairs—
Th' immortals quit the troubled sky,
And down for rest and shelter fly:
Some seek the plains, and some the woods,
And some the brink of foaming floods;
Venus, from grief, religious grown,
Endows a meeting-house in town;
And Hermes fills the shop next door,
With drugs far-brought, a healthful store!

What fate the Graces fair befel,
The muse has learn'd, but will not tell.
To try and make affliction sweeter,
Momus descends and lives with Peter:
Though scarcely seen th' external ray,
With Peter all within is day;
For there the lamp, by nature giv'n,
Was fed by sacred oil from heav'n.
Condemn'd a learned rod to rule,
Minerva keeps a Sunday-school.
With happier lot, the god of day
To Brighton wings his minstrel way;
There come, a master-touch he flings,
With flying hand, across the strings;
Sweet flow the accents, soft and clear,
And strike upon a kindred ear;
Admitted soon a welcome guest,
The god partakes the royal feast,
Pleas'd to escape the vulgar throng,
And find a judge of sense and song.
Meantime, from Jove's high tenement,
To auction every thing is sent;
O grief! to auction here below!
The gazing crowd admire the show;
Celestial beds, imperial screens,
Busts, pictures, lustres, bright tureens.
With kindling zeal the bidders vie,
The dupe is spurr'd by puffers sly,
And many a splendid prize knock'd down,
Is sent to many a part of town;
But all that's most divinely great
Is borne to ——'s, in —— Street;

Th' enraptur'd owner loves to trace
Each prototype of heav'nly grace,
In ev'ry utensil can find
Expression, gesture, action, mind;
Now burns with gen'rous zeal to teach
That lore which he alone can reach,
And gets, lest pigmy words might flag,
A glossary from Brobdignag;
To teach in prose, or chant in rhyme,
Of furniture the true sublime,
And teach the ravish'd world the rules
For casting pans and building schools.
Poor Vulcan's gift, among the rest,
Is sold, and decks a mortal's feast,
Bought by a goodly Alderman,
Who lov'd his plate, and lov'd his can;
And when the feast his worship slew,
His lady sold it to a Jew.
From him, by various chances cast,
Long time from hand to hand it past:—
To tell them all would but prolong
The ling'ring of a tiresome song;
Yet still it look'd as good as new,
The wearing prov'd the fabric true;
Now mine, perhaps, by Fate's decree,
Dear Lady R——, I send it thee;
And when the giver's days are told,
And when his ashes shall be cold,
May it retain its pristine charm,
And keep with thee his mem'ry warm!

TO SLEEP.

O Sleep, awhile thy power suspending,
Weigh not yet my eyelid down,
For Mem'ry, see! with eve attending,
Claims a moment for her own:
I know her by her robe of mourning,
I know her by her faded light,
When faithful with the gloom returning,
She comes to bid a sad good-night.

O! let me hear, with bosom swelling,
While she sighs o'er time that 's past;
O! let me weep, while she is telling
Of joys that pine, and pangs that last.
And now, O Sleep, while grief is streaming,
Let thy balm sweet peace restore;
While fearful Hope through tears is beaming,
Soothe to rest that wakes no more.

THE GREEN SPOT THAT BLOOMS ON THE DESERT OF LIFE.

O'er the desert of life where you vainly pursu'd
Those phantoms of hope which their promise disown,
Have you e'er met some spirit divinely endu'd,
That so kindly could say, You don't suffer alone?
And however your fate may have smil'd or have frown'd,
Will she deign still to share as the friend and the wife?
Then make her the pulse of your heart, for you 've found
The green spot that blooms o'er the desert of life.

Does she love to recal the past moments so dear,
When the sweet pledge of faith was confidingly giv'n,
When the lip spoke in voice of affection sincere,
And the vow was exchang'd and recorded in heav'n?
Does she wish to rebind what already was bound,
And draw closer the claim of the friend and the wife?
Then mark, &c.

LINES

WRITTEN IMPROMPTU ON THE MARBLE PILLAR AT BOULOGNE, AFTER NAPOLEON'S FALL.

When Ambition attains its desire,
How Fortune must smile at the joke!
You rose in a pillar of fire—
You sunk in a pillar of smoke.

The time was now arrived when Mr. Curran was to resign for the judicial robe, the gown which for so many years he had worn with dignity to himself, with advantage to his clients, and with honour to the country. This appointment to a seat in the Rolls, unfortunately originated a disagreement between him and Mr. George Ponsonby, the head of the party with which he had so long and so faithfully acted. The facts were simply these:—In order to persuade Sir Michael Smith, the then Master of the Rolls, to re-

sign, it was necessary not only to pension himself, but also his four inferior officers. This Mr. Ponsonby guaranteed upon *the part of Government*—the Administration was short-lived—they either forgot, or neglected to grant the pensions, and after their resignation had the modesty to expect that Mr. Curran would defray the eight hundred a year, to which amount either their design or their indolence had caused a deficiency. Mr. Curran, of course, refused, and Mr. Ponsonby was obliged to make his engagements good out of his own private fortune, or rather out of the four thousand a year pension, to which his six months' Chancellorship entitled him, from the country. Such an *Irish cry* was immediately raised by the Ponsonby partizans against Mr. Curran, that one would imagine his appointment was a mere eleemosynary gift granted out of their great bounty, and not the trifling reward of many a long year's toilsome fidelity. It is no exaggeration to say, that of the entire party there was no man who brought more talent to the cause, exerted it more zealously, or incurred more personal hazard and professional loss, than did Mr. Curran by his poli-

tical consistency. For a long time he despised too much the clamour which had been raised, to condescend to reply. At length, however, he addressed a letter to Mr. Grattan on the subject, which was never answered, for the best of all reasons, because it was unanswerable. The defence was very simple. In 1789, a party was formed, by whom it was agreed, that if ever they attained office, Mr. Ponsonby was to have the first and Mr. Curran the second place in professional advancement. Curran acted ably and honestly. The time came. Mr. Ponsonby got the Chancellorship without a shilling personal expense. Curran was promised the next, the Attorney Generalship—he did not get it —but after the most vexatious delays, he was thrust upon the Equity Bench, *nolens, volens;* a situation for which he was altogether unfit. Such an appointment was very far from being any fair return to him, and was both an insult and an injury to the nation. In the letter alluded to, indeed, Mr. Curran has had the candour to confess his own incompetency, while he naturally complains of the broken faith which thus exposed it to the profession. "As to the place

itself," says he, "it was the last I should have chosen; it imposed upon me a change of all my habits of life—it forced my mind into a new course of thinking, and into new modes of labour, and that increased labour—it removed me from that intellectual exercise which custom and temper had rendered easy and pleasant; it excluded me from the enjoyment of the honest gratification of an official share of an Administration which I *then* thought would have consisted principally, if not altogether, of the tried friends of Ireland. When the party with which I had acted so fairly, had, after so long a proscription, come at last to their natural place, I did not expect to *have been stuck into a window*, a spectator of the procession. From the station which I then held at the bar, to accept the neutralized situation of the Rolls, appeared to me a descent and not an elevation. It had no allurement of wealth; for, diminished as my income had been by the most remorseless persecution for years, by which I was made to expiate the crime of not being an alien to my country by birth or by treachery, it was still abundant when compared with my occasions, and was likely

to continue so as long as those occasions should last." Such was the place to which Mr. Curran was appointed, and for which judicial exposure it was expected he should pay eight hundred pounds a year, which Mr. Ponsonby had promised should be defrayed by the pension list, and even concerning which stipulation he had not previously consulted Mr. Curran. In truth, it was not necessary, for Mr. Curran had as little to say to the transaction as any other man in the community. His letter is simple and satisfactory. There is a passage in it so exceedingly characteristic, that I need offer no excuse for quoting it, particularly as the letter itself was only printed for private circulation, and is therefore difficult of access. It is indeed a compendium of the entire defence, and is expressed in a strain of bitter jocularity, to which, when Curran had recourse, he was as far as possible from any thing like good humour. He is supposing one of the party to have proposed to him the office under the conditions to which they pretended he should have acceded. "They would speak to me, I suppose," says he, "something in the following manner:—'Sir, you

have entered many years ago into a compact —you have observed it faithfully—you suffered deeply by that observance.—When the time of performing it to you arrived, it was ratified in London; in Dublin the substitution of something else, supposed to be a performance, was adopted without your privity or consent; the substitution too was accompanied by collateral circumstances of much humiliation and disrespect towards you. By unforeseen events that substitution has been attended with some pecuniary charges; it is hoped, that, having so patiently borne this, you will take it *cum onere*, and not think it unreasonable to defray those incidental expenses—it is trusted you will have no objection to the mode proposed as unconstitutional or dishonourable. You have a judicial office—all that is required of you is, to accept a lease of that office from the deputy and three inferior officers of your predecessor, at the small rent of 800*l.* a year—of these four landlords, there will be the former trainbearer, tipstaff, and crier of your court. As the rent must be for their lives, you will see the necessity of ensuring your own—or you may redeem the whole for a sum of 8000*l.* if

so much personal fortune has escaped the wreck to which you were exposed by your political fidelity—the entire emoluments of your office will then be generously left to your disposal.' "

He sat upon the Rolls Bench about six years. Mr. Ponsonby and he were never after reconciled; but on the former gentleman's last illness, Mr. Curran, who happened to be then in London, left a card at his house.

Mr. Curran's place at the Irish Bar has not even been approached since his departure. There is no man, not merely next him, but near him. I have heard the best efforts of the ablest amongst them; and though they were brilliant in their way, it was as the brilliancy of the morning star before the sunbeam. One, perhaps, is witty, sarcastic, argumentative—another, fluent, polished, plausible—a third, blunt, vehement, and energetic—but, there is not one like him, at once strong, persuasive, witty, eloquent, acute, and argumentative, giving to every argument the charm of his imagery, and to every image the magnificent simplicity of his manner—

not one, who, when he had touched all the chords of pity, could so wrinkle up the cheek with laughter, that the yet undried tear was impeded in its progress—not one, who, when he had swept away the heart of his hearer, left at the same time such an impression upon his memory, that the judgment on reflection rather applauded the tribute which at the moment of delivery had been extorted from the feelings! Who, at any bar, was ever like him at cross-examination? This was considered the peculiar forte of one of the present Barons of the English Exchequer; but that natural shrewdness did not in him, as it did in Curran, act merely as a *pioneer* for the brilliant and overpowering force that was to follow. "The most intricate web," says the learned editor of his Speeches, "that fraud, malice, or corruption ever wove against the life, character, or fortune of an individual, he could unravel. Let truth and falsehood be ever so ingeniously dovetailed into each other, he separated them with facility. He surveyed his ground like a skilful general, marked every avenue of approach, knew when to yield or attack, instantly seized the first inconsistency, and

pursued his advantage till he completely involved perjury in the confusion of its contradictions." His effect at times was electric and universal. The judge and the mob, the jury and the bar, were equally excited; and Lord Clonmell himself, his bitter enemy, rising on the judgment-seat to restrain the popular enthusiasm, confessed himself overcome by the eloquence that had produced it. In our estimate of him as a barrister, we must not omit the noble and dignified intrepidity with which he resisted any judicial encroachment on the privileges of the profession. In such instances the dock or the dungeon had for him no terrors, and to his antagonist neither talents nor authority gave protection. Nor was this spirit the result of any captiousness of disposition. To his fellow-labourers at the bar he was all amenity, but most particularly to the young and inexperienced. There was no young man of his time, of any promise, to whom he did not hold out the hand, not only of encouragement, but of hospitality; and so far was he from indulging an ungenerous sally at their expense, that it would have been a dangerous experiment in another to have at-

tempted it in his presence. No person, who has not been educated to a profession, can estimate the value, or the almost peculiarity, of this trait of character. But his was a mind originally too grand to found its distinction on the depreciation of his inferiors; and were it even necessary, his spirit was too lofty to stoop to the expedient. He affected no importance from the miserable accident of seniority or station, and laughed to scorn the pretensionless stupidity that sought, like the cynic, an enforced reverence to its rags and its dotage. During the thirty-two years of his professional life, there is not on record of him an unkindness to a junior, an asperity to a senior, an undue submission to overweening power, or a single instance of interested servility. Sincerely were it to be wished that all his cotemporaries had acted towards him with the same generosity which he uniformly evinced. But, alas! there were some who hated him for his talents, some who envied him for his fame; and mean malignity too often led them to depreciate the one and undermine the other. The faults and the foibles to which the very best are subject, were in him observed with an eagle's

eye, and held with the tenacity of an eagle's grasp. He was docile even to a fault, often relinquishing his own fine intellect to very inferior guidance. Did a casual indiscretion arise from such docility? it was carefully noted down, recalled periodically, and then religiously returned to the malignant register, to be again declaimed upon, when any future exhibition of his genius provoked afresh the hostility of his enemies. Thus the most unfortunate occurrence of his life, his domestic calamity, was made the theme of perpetual depreciation. Whereas the fact was, that a misguided and misjudging friendship forced it into publicity against his own inclination. I have often heard him dwell, painfully dwell, on the particulars of that melancholy transaction, and I can avouch it, that no bitterness of recollection ever led him into an ungenerous reflection even upon those who had acted towards him with, at least, the most effective hostility. I now take my leave of him as a barrister, nor can I do it better than in, let me hope, the prophetic words of the anonymous editor of his Speeches: "The Bar of Ireland will long hold in affectionate recollection the man who

always lived in an ingenuous and honourable intercourse with his competitors for fame, as Cicero did with Hortensius—who never, on any occasion, was frowned by power, or seduced by mean ambition, into an abandonment of his client, but in every situation intrepidly performed the duties of an advocate—who, if he had been a man '*quoque facinore properus clarescere*,' instead of disdaining to acquire honours by means which would have rendered him unworthy of wearing them, might early in life have attained the proudest professional situation—who cherished with the kindest notice every appearance of excellence in the junior part of the profession—who never ostentatiously displayed his superiority—who, conscious of his great talents, bestowed praise wherever it was deserved—and was incapable of meanly detracting from the merit of another to enhance his own. They will never forget him who on every occasion proudly asserted the dignity and independence of the advocate, and never servilely surrendered the least privilege of the profession. While his name will live for ever hallowed in the grateful remembrance of his country, unless the heart

of man shall become so corrupt and his mind so perverted, that public virtue will neither be felt nor understood."

Alienated from the bustle of the bar, and having resigned the occupations of the bench, Mr. Curran's mind began to prey upon itself, and the dejection, to which even his youth had been subject, grew with his years into confirmed hypochondriasm. In the autumn of 1816, I accompanied him to Cheltenham, for the avowed purpose of consulting Sir Arthur Brooke Faulkener on the state of his health. Mr. Curran had the highest possible opinion of this gentleman's professional abilities, and indeed he could not have recourse to any one who, both as a friend and a physician, was more competent to advise him. Sir Arthur prescribed for him a regimen to which I am afraid he did not very strictly abhere. However, in the hospitable welcome of his home, "the mind diseased" found at least a temporary remedy. The very appearance of friends who were deservedly most dear to him revived his spirits. I remember on the night of our arrival, the news of the victory at Algiers was just an-

nounced at Cheltenham—it was of course the universal topic of conversation—Lady F. expatiating on the barbarities of the pirates with all the feeling natural to a good heart and a refined intellect, appeared to regret that the fortifications had not been totally obliterated—"Ah! my dear Madam," replied Curran, who had been travelling for two days and a night without intermission,—"ah! my dear Madam—they have had enough of it—*sufficient unto the Dey has been the evil thereof.*"

I had introduced him to two very lovely and accomplished sisters, who have since gone to increase the treasures of the East.—After spending an evening in the enjoyment of conversation but rarely to be met with, he said to me—"I never saw such creatures—even to my old eyes, it is quite refreshing to see *the sunshine of genius flying over their beautiful countenances.*"

A few days after this, observing a very pompous and solemn blockhead, who endeavoured, with a most ludicrous gravity, to conceal his insignificance, he suddenly stop-

ped short—"Observe that fellow," said he: "if you dined and breakfasted with him for an hundred years, you could not be intimate with him.—By heavens! he wouldn't even be seen to smile, lest the world should think he was *too familiar with himself.*"

Though at the hazard of turning my volume into a jest-book, I cannot refrain from giving a remark of his about this time, on an Irish gentleman, who certainly preserved most patriotically all the richness of his original pronunciation. He had visited Cheltenham, and during his stay there acquired a most extraordinary habit of perpetually lolling his tongue out of his mouth! "What can he mean by it?" said somebody to Curran.—"Mean by it," said Curran; "why, he means, if he can, *to catch the English accent.*"

The last winter which he was to pass in London now arrived, and there, however reluctantly, my professional avocations compelled me to leave him. In the course of the season he attended several public dinners, and spoke at some of them. But, alas! *quantum mutatus ab illo!* The *mind* was manifestly gone. His feeble efforts were but

the flickerings of that glorious intellect which once shone so brightly and so steadily. In the summer of 1817, he returned to Ireland for the last time; and in the September of that year again joined me at Cheltenham, under what mental disquietude the following letter, written a few days before to a friend there, will evince much better than any words of mine.

MY DEAR FRIEND,

You 'll think me a sad fellow — so I think too. However, you are too clear-sighted in diagnostics not to see the causes of my being so low-pulsed a correspondent. The truth is, I was every day on the point of leaving a country *where folly and suffering were lying like lead upon my heart*, and in the mean time I could only make one communication the most unnecessary in the world, namely, that I never suspend the respect and solicitude which I always feel for you, and to which you are so well entitled.

Now I think you may look to a call at least. I may not be able, perhaps, to linger long, but I could not find myself within shot of you, without coming mechanically to a *present* and a *snap*, even though it should be no more than a *flash in the pan*. I had hopes of seeing your brother, but he has

deceived my hope. As to *Hope* herself, I have closed my accounts altogether with her. Drawing perpetually upon my credulity, I now find her, too late, an insolvent swindler. Meantime my entire life passed in a wretched futurity—breathing I may say in the *paulo post futurum:* I have happily, however, found out the only remedy, and that is, *to give over the folly of breathing at all.* I had some hope for this persecuted country, but that I fear is over. If our heads were curled like the Africans, I suppose we should go snacks with them in the justice and sympathy of that humane and philanthropic nation of yours; but if her tears of commiseration should make the hair of the Africans lank like ours, I make no doubt but you would send a coxcomb or two politically and madly to * ——— and —— like Ireland.

Ever yours,

J. P. CURRAN.

His short stay in Cheltenham could scarcely be called existence. He constantly fell asleep in the daytime, and when he awoke, it was only to thoughts of sadness. He was perpetually fancying things which never had existence, and misinterpreting

* I have left an hiatus here, out of my high respect for the Attorney-General.

those which had. He told me he was dying; and indeed, to show how firmly the prophetic presentiment was impressed upon his mind, the very night preceding his departure, he handed Lady Faulkener the following melancholy impromptu written in pencil on a blank leaf of paper, which lay accidentally before him—

> "For welcome warm—for greeting kind,
> Its present thanks the tongue can tell—
> But soon *the heart no tongue may find*—
> Then thank thee with—*a sad farewell!*"

Poor fellow! little did I think that in a few days afterwards I was to see him sadly verifying his own prediction! The heart, indeed, was beating, but the tongue was mute for ever. On Wednesday, the 8th of October, I called on him at his lodgings, No. 7, Amelia Place, Brompton. He asked me to dine with him on the following day, to meet Mr. Godwin: at eleven o'clock at night, however, he wrote the annexed note to me, the last he ever wrote to any one. It is remarkable that there is not a superfluous word in it. In fact, he was struck with apoplexy in two hours after.

DEAR PHILLIPS—

Just got a note—Mrs. Godwin is sick; he'll dine here Sunday. If you prefer an invalid, come to-morrow — You'd be more gratified on Sunday. *Utrum horum?*

Yours,
J. P. CURRAN.

Wednesday.

Early on Thursday, I was, of course, informed of the melancholy occurrence of the preceding night. I found him only just breathing—one eye closed, and one side quite inanimate. I asked him to take me by the hand if he knew me—he took it, and faintly squeezed it—in a day or two after, he similarly recognised his old and attached friend Serjeant Burton, and this was the only symptom of intelligence he exhibited during his illness. I saw him at seven o'clock in the evening of the 13th, and at nine he died. As it was imagined that his will, which was in Ireland, contained some directions as to his interment, the body was enclosed in a leaden coffin until the fact was ascertained: it appearing, however, silent on the subject, he was conveyed to Paddington church, and

deposited in the vault beneath it, on the 4th of November.

His funeral was purposely kept as private as possible—Mr. Godwin, Mr. Moore, Mr. Lyne an Irish barrister, Mr. Finnerty, Mr. Croly, some of his family, and myself, with one or two others whom I forget, attended it. It was at first intended to have had the ceremony public; but this design, upon reflection, was abandoned, and perhaps justly. Such men need not the ceremonials of the tomb—history is their natural monument, and their country the most honourable mourner:—to their care with a melancholy confidence I now consign him, fully assured, that when the slaves who revile him shall be neglected dust, the wisdom of posterity will respect the name, and its patriots weep over the memory, of CURRAN.

APPENDIX.

MR. CURRAN'S SPEECH AGAINST THE MARQUIS OF HEADFORT.

Referred to in Page 228.

NEVER so clearly as in the present instance have I observed that safeguard of justice which Providence has placed in the nature of man. Such is the imperious dominion with which truth and reason wave their sceptre over the human intellect, that no solicitation however artful, no talent however commanding, can seduce it from its allegiance. In proportion to the humility of our submission to its rule, do we rise into some faint emulation of that ineffable and presiding Divinity, whose characteristic attribute it is to be coerced and bound by the inexorable laws of its own nature, so as to be *all-wise* and *all-just* from necessity rather than election. You have seen it in the learned advocate who has preceded me most peculiarly and strikingly illustrated. You have seen *even* his great talents, perhaps the first in any country, languishing under a cause too weak to *carry* him, and too heavy to be *carried* by him.

He was forced to dismiss his natural candour and sincerity, and, having no merits in his case, to take refuge in the dignity of his own manner, the resources of his own ingenuity, from the overwhelming difficulties with which he was surrounded. Wretched client! unhappy advocate! what a combination do you form! But such is the condition of guilt—its commission mean and tremulous—its defence artificial and insincere—its prosecution candid and simple—its condemnation dignified and austere. Such has been the defendant's guilt—such his defence—such shall be my address to you; and such, I trust, your verdict. The learned counsel has told you that this unfortunate woman is not to be estimated at forty thousand pounds—fatal and unquestionable is the truth of this assertion. Alas! gentlemen, she is no longer worth any thing; faded, fallen, degraded, and disgraced, she is worth less than nothing! But it is for the honour, the hope, the expectation, the tenderness, and the comforts that have been blasted by the defendant, and have fled for ever, that you are to remunerate the plaintiff by the punishment of the defendant. It is not her present value which you are to weigh—but it is her value at that time when she sat basking in a husband's love, with the blessing of Heaven on her head, and its purity in her heart; when she sat amongst her family, and administered the morality

of the parental board. Estimate that past value—compare it with its present deplorable diminution—and it may lead you to form some judgment of the severity of the injury, and the extent of the compensation.

The learned counsel has told you, you ought to be cautious, because your verdict cannot be set aside for excess. The assertion is just, but has he treated you fairly by its application? His cause would not allow him to be fair—for, why is the rule adopted in this single action? Because, this being peculiarly an injury to the most susceptible of all human feelings—it leaves the injury of the husband to be ascertained by the sensibility of the jury, and does not presume to measure the justice of their determination by the cold and chilly exercise of its own discretion. In any other action it is easy to calculate. If a tradesman's arm is cut off, you can measure the loss which he has sustained—but the wound of feeling, and the agony of the heart, cannot be judged by any standard with which I am acquainted. And you are unfairly dealt with when you are called on to appreciate the present suffering of the husband by the present guilt, delinquency, and degradation of his wife. As well might you, if called on to give compensation to a man for the murder of his dearest friend, find the measure of his injury by weighing the ashes of the dead. But it is

not, gentlemen of the jury, by weighing the ashes of the dead, that you would estimate the loss of the survivor.

The learned counsel has referred you to other cases, and other countries, for instances of moderate verdicts. I can refer you to some authentic instances of just ones. In the next county, 15,000*l.* against a subaltern officer. In Travers and M'Carthy, 5000*l.* against a servant. In Tighe against Jones, 10,000*l.* against a man not worth a shilling. What then ought to be the rule, where rank, and power, and wealth, and station, have combined to render the example of his crime more dangerous—to make his guilt more odious—to make the injury to the plaintiff more grievous, because more conspicuous? I affect no levelling familiarity, when I speak of persons in the higher ranks of society—distinctions of orders are necessary, and I always feel disposed to treat them with respect—but when it is my duty to speak of the crimes by which they are degraded, I am not so fastidious as to shrink from their contact, when to touch them is essential to their dissection. However, therefore, I should feel on any other occasion, a disposition to speak of the noble defendant with the respect due to his station, and perhaps to his qualities, of which he may have many, to redeem him from the odium of this transaction, I cannot so indulge myself here. I

cannot betray my client, to avoid the pain of doing my duty. I cannot forget that in this action the condition, the conduct, and circumstances of the parties are justly and peculiarly the objects of your consideration, Who then are the parties? The plaintiff, young, amiable, of family and education. Of the generous disinterestedness of his heart you can form an opinion even from the evidence of the defendant, that he declined an alliance which would have added to his fortune and consideration, and which he rejected for an unportioned union with his present wife:—she too, at that time, young, beautiful, and accomplished; and feeling her affection for her husband increase, in proportion as she remembered the ardour of his love, and the sincerity of his sacrifice. Look now to the defendant! Can you behold him without shame and indignation? With what feelings can you regard a rank that he has so tarnished, and a patent that he has so worse than cancelled?—High in the army—high in the state—the hereditary counsellor of the King—of wealth incalculable—and to this last I advert with an indignant and contemptuous satisfaction, because, as the only instrument of his guilt and shame, it will be the means of his punishment, and the source of compensation for his guilt.

But let me call your attention distinctly to the questions you have to consider, The first is the

fact of guilt. Is this noble Lord guilty? His counsel knew too well how they would have mortified his vanity, had they given the smallest reason to doubt the splendour of his achievement. Against any such humiliating suspicion he had taken the most studious precaution, by the publicity of the exploit. And here, in this Court, and before you, and in the face of the country, has he the unparalleled effrontery of disdaining to resort even to a *confession of innocence.* — His guilt established, your next question is, the damages you should give. You have been told that the amount of the damages should depend on circumstances. You will consider these circumstances, whether of aggravation or mitigation. His learned counsel contend that the plaintiff has been the author of his own suffering, and ought to receive no compensation for the ill consequences of his own conduct. In what part of the evidence do you find any foundation for that assertion? He indulged her, it seems, in dress— generous and attached, he probably indulged her in that point beyond his means; and the defendant now impudently calls on you to find an excuse for the adulterer in the fondness and liberality of the husband. But you have been told that the husband connived. Odious and impudent aggravation of injury—to add calumny to insult, and outrage to dishonour! From whom but a man

hackneyed in the paths of shame and vice—from whom but a man having no compunctions in his own breast to restrain him, could you expect such brutal disregard for the feelings of others?—from whom but the cold-blooded seducer—from what, but from the exhausted mind—the habitual community with shame—from what, but the habitual contempt of virtue and of man, could you have expected the arrogance, the barbarity, and folly of so foul, because so false an imputation? He should have reflected, and have blushed, before he suffered so vile a topic of defence to have passed his lips. But, ere you condemn, let him have the benefit of the excuse, if the excuse be true. You must have observed how his counsel fluttered and vibrated between what they call connivance and injudicious confidence; and how, in affecting to distinguish, they have confounded them both together.—If the plaintiff has connived, I freely say to you, do not reward the wretch who has prostituted his wife, and surrendered his own honour—do not compensate the pander of his own shame, and the willing instrument of his own infamy. But as there is no sum so low, to which such a defence, if true, ought not to reduce your verdict; so neither is any so high, to which such a charge ought not to inflame it, if such a charge be false. Where is the single fact in this case on which the remotest suspicion of

connivance can be hung?—Odiously has the defendant endeavoured to make the softest and most amiable feelings of the heart the pretext of his slanderous imputations. — An ancient and respectable prelate, the husband of his wife's sister, chained down to the bed of sickness, perhaps to the bed of death—in that distressing situation, my client suffered that wife to be the bearer of consolation to the bosom of her sister—he had not the heart to refuse her—and the softness of his nature is now charged on him as a crime. He is now insolently told that he connived at his dishonour, and that he ought to have foreseen that the mansion of sickness and of sorrow would have been made the scene of assignation and of guilt. On this charge of connivance I will not further weary you, or exhaust myself—I will add nothing more than that it is as false as it is impudent—that in the evidence it has not a colour of support—and that by your verdict you should mark it with reprobation. The other subject, namely, that he was indiscreet in his confidence, does, I think, call for some discussion—for, I trust, you see that I affect not any address to your passions, by which you may be led away from the subject.—I presume merely to separate the parts of this affecting case, and to lay them, item by item, before you, with the coldness of detail, and not with any colouring or

display of fiction or of fancy. Honourable to himself was his unsuspecting confidence, but fatal must we admit it to have been, when we look to the abuse committed upon it; but where was the guilt of this indiscretion? He did admit this noble Lord to pass his threshold as his guest. Now the charge which this noble Lord builds on this indiscretion is—"Thou fool—thou hadst confidence in my honour—and that was a guilty indiscretion—thou simpleton, thou thoughtest that an admitted and a cherished guest would have respected the laws of honour and hospitality, and thy indiscretion was guilt. Thou thoughtest that he would have shrunk from the meanness and barbarity of requiting kindness with treachery, and thy indiscretion was guilt."

Gentlemen, what horrid alternative in the treatment of wives would such reasoning recommend! Are they to be immured by worse than heathen barbarity? Are their principles to be depraved—their passions sublimated—every finer motive of action extinguished by the inevitable consequences of thus treating them like slaves? Or is a liberal and generous confidence in them to be the passport of the adulterer, and the justification of his crimes?

Honourably, but fatally for his own repose, he was neither jealous, suspicious, nor cruel.—He treated the defendant with the confidence of a

friend, and his wife with the tenderness of a husband.—He did leave to the noble Marquis the physical possibility of committing against him the greatest crime which can be perpetrated against a being of an amiable heart and refined education, and the noble defendant had the honour to avail himself of it.—In the middle of the day, at the moment of divine worship, when the miserable husband was on his knees, directing the prayers and thanksgivings of his congregation to their God —that moment did the remorseless adulterer choose to carry off the deluded victim from her husband—from her child—from her character—from her happiness—as if not content to leave his crime confined to its inseparable and miserable aggravations, unless he also gave it a cast and colour of factitious sacrilege and impiety. O! how happy had it been when he arrived at the bank of the river with the ill-fated fugitive, ere yet he had committed her to that boat, of which, like the fabled bay of Styx, the exile was eternal; how happy at that moment, so teeming with misery and with shame, if you, my Lord, had met him, and could have accosted him in the character of that good genius which had abandoned him! How impressively might you have pleaded the cause of the father, of the child, of the mother, and even of the worthless defendant himself! You would have said, "Is this the requital that you

are about to make for respect and kindness, and confidence in your honour? Can you deliberately expose this young man in the bloom of life, with all his hopes yet before him? Can you expose him, a wretched outcast from society, to the scorn of a merciless world? Can you set him adrift upon the tempestuous ocean of his own passions, at this early season, when they are most headstrong? and can you cut him out from the moorings of those domestic obligations, by whose cable he might ride in safety from their turbulence? Think, if you can conceive it, what a powerful influence arises from the sense of home, from the sacred religion of the heart, in quelling the passions, in reclaiming the wanderings, in correcting the disorders of the human heart: do not cruelly take from him the protection of these attachments. But if you have no pity for the father, have mercy at least upon his innocent and helpless child: do not condemn him to an education scandalous or neglected—do not strike him into that most dreadful of all human conditions, the orphanage that springs not from the grave, that falls not from the hand of Providence, or the stroke of death; but comes before its time, anticipated and inflicted by the remorseless cruelty of parental guilt." For the poor victim herself—not yet immolated—while yet balancing upon the pivot of her destiny, your heart could not be cold, nor your

tongue be wordless. You would have said to him, " Pause, my Lord, while there is yet a moment for reflection. What are your motives, what your views, what your prospects, from what you are about to do? You are a married man, the husband of the most amiable and respectable of women; you cannot look to the chance of marrying this wretched fugitive: between you and such an event there are two sepulchres to pass. What are your inducements? Is it love, think you? No—do not give that name to any attraction you can find in the faded refuse of a violated bed. Love is a noble and generous passion; it can be founded only on a pure and ardent friendship, on an exalted respect, on an implicit confidence in its object. Search your heart, examine your judgment (and, in the estimate of a woman's worth, the selection of your own incomparable wife shows that you are not without discernment): do you find the semblance of any one of these sentiments to bind you to her? What could degrade a mind, to which nature or education had given port, or stature, or character, into a friendship for her? Could you repose upon her faith? Look in her face, my Lord; she is at this moment giving you the violation of the most sacred of human obligations as the pledge of her fidelity. She is giving you the most irrefragable proof, that as she is deserting her husband for you, so she

would, without a scruple, abandon you for another. Do you anticipate any pleasure you might feel in the possible event of your becoming the parents of a common child? She is at this moment proving to you that she is as dead to the sense of parental as of conjugal obligation, and that she would abandon your offspring to-morrow with the same facility with which she now deserts her own. Look then at her conduct as it is, as the world must behold it, blackened by every aggravation that can make it either odious or contemptible, and unrelieved by a single circumstance of mitigation that could palliate its guilt, or retrieve it from abhorrence.

"Mean, however, and degraded as this woman must be, she will still (if you take her with you) have strong and heavy claims upon you. The force of such claims does certainly depend upon circumstances; before, therefore, you expose her fate to the dreadful risk of your caprice or ingratitude, in mercy to her, weigh well the confidence she can place in your future justice and honour. At that future time, much nearer than you think, by what topics can her cause be pleaded to a sated appetite, to an heart that repels her, to a just judgment, in which she never could have been valued or respected? Here is not the case of an unmarried woman, with whom a pure and generous friendship may insensibly have ripened into

a more serious attachment, until at last her heart became too deeply pledged to be re-assumed: if so circumstanced, without any husband to betray, or child to desert, or motive to restrain, except what related solely to herself, her anxiety for your happiness made her overlook every other consideration, and commit her destiny to your honour; in such a case (the strongest and the highest that man's imagination can suppose), in which you at least could see nothing but the most noble and disinterested sacrifice; in which you could find nothing but what claimed from you the most kind and exalted sentiment of tenderness, and devotion, and respect; and in which the most fastidious rigour would find so much more subject for sympathy than blame—let me ask you, could you, even in that case, answer for your own justice and gratitude? I do not allude to the long and pitiful catalogue of paltry adventures, in which it seems your time has been employed—the coarse and vulgar succession of casual connexions, joyless, loveless, and unendeared: but do you find upon your memory any trace of any engagement of the character I have sketched? Has your sense of what you would owe in such a case, and to such a woman, been at least once put to the test of experiment? Has it even once happened, that such a woman, with all the resolution of strong faith, flung her youth, her hope, her beauty, her

talent, upon your bosom, weighed you against the world, which she found but a feather in the scale, and took you as an equivalent? and, if so, how did you then acquit yourself? Did you prove yourself worthy of the sacred trust reposed in you? Did your spirit so associate with hers as to leave her no room to regret the splendid disinterested sacrifice she had made? Did her soul find a pillow in the tenderness of yours, and a support in its firmness? Did you preserve her high in her own consciousness, proud in your admiration and friendship, and happy in your affection? You might have so acted; and the man that was worthy of her would have perished, rather than not so act as to make her delighted with having confided so sacred a trust to his honour.—Did you so act? Did she feel that, however precious to your heart, she was still more exalted and honoured in your reverence and respect? Or did she find you coarse and paltry, fluttering and unpurposed, unfeeling and ungrateful? You found her a fair and blushing flower, its beauty and its fragrance bathed in the dews of heaven. Did you so tenderly transplant it, as to preserve that beauty and fragrance unimpaired? Or did you so rudely cut it, as to interrupt its nutriment, to waste its sweetness, to blast its beauty, to bow down its faded and sickly head? And did you at last fling it, like 'a loathsome weed away?' If then to such a woman, so

clothed with every title that could ennoble and exalt, and endear her to the heart of man, you could be cruelly and capriciously deficient, how can a wretched fugitive like this, in every point her contrast, hope to find you just? Send her then away. Send her back to her home, to her child, to her husband, to herself." — Alas! there was none to hold such language to this noble defendant; he did not hold it to himself. But he paraded his despicable prize in his own carriage, with his own retinue, his own servants — this veteran Paris hawked his enamoured Helen from this western quarter of the island to a sea-port in the eastern, crowned with the acclamations of a senseless and grinning rabble, glorying and delighted, no doubt, in the leering and scoffing admiration of grooms, and ostlers, and waiters, as he passed.

In this odious contempt of every personal feeling, of public opinion, of common humanity, did he parade this woman to the sea-port, whence he transported his precious cargo to a country where her example may be less mischievous than in her own; where I agree with my learned colleague in heartily wishing he may remain with her for ever. We are too poor, too simple, too unadvanced a country, for the example of such achievements. When the relaxation of morals is the natural growth and consequence of the great

progress of arts and wealth, it is accompanied by a refinement that makes it less gross and shocking: but for such palliations we are at least a century too young. I advise you, therefore, most earnestly to rebuke this budding mischief, by letting the wholesome vigour and chastisement of a liberal verdict speak what you think of its enormity. In every point of view in which I can look at the subject, I see you are called upon to give a verdict of bold, and just, and indignant, and exemplary compensation. The injury of the plaintiff demands it from your justice. The delinquency of the defendant provokes it by its enormity. The rank on which he has relied for impunity, calls upon you to tell him, that crime does not ascend to the rank of the perpetrator, but the perpetrator sinks from his rank, and descends to the level of his delinquency. The style and mode of his defence is a gross aggravation of his conduct, and a gross insult upon you. Look upon the different subjects of his defence as you ought, and let him profit by them as he deserves: vainly presumptuous upon his rank, he wishes to overawe you by the despicable consideration. He next resorts to a cruel aspersion upon the character of the unhappy plaintiff, whom he had already wounded beyond the possibility of reparation; he has ventured to charge him with connivance: as to that, I will only say,

gentlemen of the jury, do not give this vain boaster a pretext for saying, that if the husband connived in the offence, the jury also connived in the reparation. But he has pressed another curious topic upon you: after the plaintiff had cause to suspect his designs, and the likelihood of their being fatally successful, he did not then act precisely as he ought. Gracious God! what an argument for him to dare to advance! It is saying this to him: "I abused your confidence, your hospitality; I laid a base plan for the seduction of the wife of your bosom; I succeeded at last, so as to throw in upon you that most dreadful of all suspicions to a man fondly attached, proud of his wife's honour, and tremblingly alive to his own; that you were possibly a dupe to confidence in the wife, as much as in the guest: in this so pitiable distress, which I myself had studiously and deliberately contrived for you, between hope and fear, and doubt and love, and jealousy and shame; one moment shrinking from the cruelty of your suspicion; the next fired with indignation at the facility and credulity of your acquittal; in this labyrinth of doubt, in this frenzy of suffering, you were not collected and composed; you did not act as you might have done, if I had not worked you to madness; and upon that very madness which I have inflicted upon you, upon the very completion of my guilt, and of your misery,

I will build my defence. You did not act critically right, and therefore are unworthy of compensation." Gentlemen, can you be dead to the remorseless atrocity of such a defence? And shall not your honest verdict mark it as it deserves? But let me go a little further; let me ask you, for I confess I have no distinct idea of what should be the conduct of a husband so placed, and who is to act critically right; shall he lock her up, or turn her out? or enlarge or abridge her liberty of acting as she pleases? O, dreadful Areopagus of the tea-table! How formidable thy inquests, how tremendous thy condemnations! In the first case he is brutal and barbarous, an odious eastern despot. "Lord, Ma'am, did you ever hear of any thing like this odious Parson? His dear, pure, sweet, virtuous lady positively a prisoner! A padlock, large enough for a church, on the outside of her chamber; and a trap-door to her chimney, as if the charming Marquis could make his way to her in the disguise of a sweep!" In the next: "What! turn an innocent woman out of his house, without evidence or proof, but merely because he is vile and mean enough to suspect the wife of his bosom, and the mother of his child!" Between these extremes, what intermediate degree is he to adopt? I put this question to you: do you at this moment, uninfluenced by any passion, as you now are, but cool and collected,

and uninterested as you must be, do you see clearly this proper and exact line, which the plaintiff should have pursued? I much question if you do. But if you did or could, must you not say, that he was the last man from whom you should expect the coolness to discover, or the steadiness to pursue it? And yet this is the outrageous and insolent defence that is put forward to you. My miserable client, when his brain was on fire, and every fiend of hell was let loose upon his heart, he should then, it seems, have placed himself before his mirror, he should have taught the stream of agony to flow decorously down his forehead. He should have composed his features to harmony, he should have writhed with grace, and groaned in melody. But look further to this noble defendant, and his honourable defence. The wretched woman is to be successively the victim of seduction, and of slander. She, it seems, received marked attentions—here, I confess, I felt myself not a little at a loss. The witnesses could not describe what these marked attentions were, or are. They consisted, not, if you believe the witness that swore to them, in any personal approach or contact whatsoever—nor in any unwarrantable topics of discourse. Of what materials then were they composed? Why, it seems, a gentleman had the insolence at table to propose to her a glass of wine; and she, O most abandoned lady! instead

of flying, like an angry parrot, at his head, and bescreeching and bescratching him for his insolence, tamely and basely replies, "Port, Sir, if you please." But, gentlemen, why do I advert to this folly, this nonsense? Not surely to vindicate from censure the most innocent, and the most delightful intercouse, of social kindness, of harmless and cheerful courtesy — "where virtue is, these are most virtuous." But I am soliciting your attention, and your feeling, to the mean and odious aggravation — to the unblushing and remorseless barbarity of falsely aspersing the wretched woman he had undone. One good he has done, he has disclosed to you the point in which he can feel; for, how imperious must that avarice be, which could resort to so vile an expedient of frugality? Yes, I will say, that with the common feelings of a man, he would rather have suffered his 30,000 a year to go as compensation to the plaintiff, than save a shilling of it by so vile an expedient of economy. He would rather have starved with her in a jail, he would rather have sunk with her into the ocean, than have so vilified her—than have so degraded himself. But it seems, gentlemen, and indeed you have been told, that long as the course of his gallantries has been, and he has grown grey in the service, it is the first time he has been called upon for damages. —To how many might it have been fortunate if

he had not that impunity to boast! Your verdict will, I trust, put an end to that encouragement to guilt that is built upon impunity. The devil, it seems, has saved the noble Marquis harmless in the past; but your verdict will tell him the term of that indemnity is expired, that his old friend and banker has no more effects in his hands, and that if he draws any more upon him, he must pay his own bills himself. You will do much good by doing so; you may not enlighten his conscience, nor touch his heart, but his frugality will understand the hint. He may despise Epictetus, but he will listen with respect to Cocker, when he finds that he can enforce the precepts of his morality with all the precision of mathematical demonstration. He will adopt the prudence of age, and be deterred from pursuits, in which, though he may be insensible of shame, he will not be regardless of expense. You will do more, you will not only punish him in his tender point, but you will weaken him in his strong one—his money. We have heard much of this noble Lord's wealth, and much of his exploits, but not much of his accomplishments or his wit: I know not that his verses have soared even to the Poet's Corner. I have heard it said, that an ass, laden with gold, could find his way through the gate of the strongest city. But, gentlemen, lighten the load upon his back, and you will completely curtail the mis-

chievous faculty of a grave animal, whose momentum lies not in his agility, but his weight, not in the quantity of motion, but the quantity of his matter. There is another ground, on which you are called upon to give most liberal damages, and that has been laid by the unfeeling vanity of the defendant. This business has been marked by the most elaborate publicity. It is very clear that he has been allured by the glory of the chase, and not the value of the game. The poor object of his pursuit could be of no value to him, or he could not have so wantonly, and cruelly, and unnecessarily abused her. He might easily have kept this unhappy intercourse an unsuspected secret. Even if he wished for her elopement, he might easily have so contrived it, that the place of her retreat would be profoundly undiscoverable; yet, though even the expense, a point so tender to his delicate sensibility, of concealing, could not be a one fortieth of the cost of publishing her, his vanity decided him in favour of glory and publicity. By that election he has in fact put forward the Irish nation, and its character, so often and so variously calumniated, upon its trial before the tribunal of the empire; and your verdict will this day decide, whether an Irish jury can feel with justice and spirit, upon a subject that involves conjugal affection and comfort, domestic honour and repose—the

certainty of issue—the weight of public opinion —the gilded and presumptuous criminality of overweening rank and station. I doubt not but he is at this moment reclined on a silken sofa, anticipating that submissive and modest verdict, by which you will lean gently on his errors; and expecting from your patriotism, no doubt, that you will think again and again, before you condemn any great portion of the immense revenue of a great absentee, to be detained in the nation that produced it, instead of being transmitted, as it ought, to be expended in the splendour of another country. He is now probably waiting for the arrival of the report of this day, which, I understand, a famous note-taker has been sent hither to collect. (Let not the gentleman be disturbed.) Gentlemen, let me assure you, it is more, much more the trial of you than of the noble Marquis, of which this imported recorder is at this moment collecting the materials. His noble employer is, now expecting a report to the following effect: "Such a day came on to be tried at Ennis, by a special jury, the cause of Charles Massy, against the most noble the Marquis of Headfort. It appeared that the plaintiff's wife was young, beautiful, and captivating; the plaintiff himself a person fond of this beautiful creature to distraction, and both doating on their child: but the noble Marquis approached her; the plume of

glory nodded on his head. Not the goddess Minerva, but the goddess Venus, had lighted upon his casque; 'the fire that never tires—such as many a lady gay had been dazzled with before.' At the first advance she trembled, at the second she struck to the redoubted son of Mars, and pupil of Venus. The jury saw it was not his fault (it was an Irish jury); they felt compassion for the tenderness of the mother's heart, and for the warmth of the lover's passion. The jury saw on the one side, a young, entertaining gallant; on the other, a beauteous creature, of charms irresistible. They recollected that Jupiter had been always successful in his amours, although Vulcan had not always escaped some awkward accidents. The jury was composed of fathers, brothers, husbands—but they had not the vulgar jealousy, that views little things of that sort with rigour, and wishing to assimilate their country in every respect to England, now that they are united to it, they, like English gentlemen, returned to their box, with a verdict of sixpence damages and sixpence costs." Let this be sent to England. I promise you your odious secret will not be better kept than that of the wretched Mrs. Massy. "There is not a bawdy chronicle in London, in which the epitaph, which you will have written on yourselves, will not be published, and our enemies will delight in the spectacle of our precocious depravity, in seeing

that we can be rotten before we are ripe. But I do not suppose it; I do not, cannot, will not, believe it: I will not harrow up myself with the anticipated apprehension.

There is another consideration, gentlemen, which I think most imperiously demands even a vindictive award of exemplary damages, and that is, the breach of hospitality. To us peculiarly does it belong to avenge the violation of its altar. The hospitality of other countries is a matter of necessity or convention, in savage nations of the first, in polished, of the latter; but *the hospitality of an Irishman* is not the running account of posted and ledgered courtesies, as in other countries; — it springs, like all his qualities, his faults, his virtues—directly from his heart. The heart of an Irishman is by nature bold, and he confides; it is tender, and he loves; it is generous, and he gives; it is social, and he is hospitable. This sacrilegious intruder has profaned the religion of that sacred altar, so elevated in our worship, so precious to our devotion; and it is our privilege to avenge the crime. You must either pull down the altar, and abolish the worship, or you must preserve its sanctity undebased. There is no alternative between the universal exclusion of all mankind from your threshold, and the most rigorous punishment of him who is admitted and betrays. This defendant has been so trusted, he

has so betrayed, and you ought to make him a most signal example.

Gentlemen, I am the more disposed to feel the strongest indignation and abhorrence at this odious conduct of the defendant, when I consider the deplorable condition to which he has actually reduced the plaintiff, and perhaps the still more deplorable one that he has in prospect before him. What a progress has he to travel through, before he can attain the peace and tranquillity which he has lost! How like the wounds of the body are those of the mind! how burning the fever! how painful the suppuration! how slow, how hesitating, how relapsing the process to convalescence! Through what a variety of suffering, through what new scenes and changes must my unhappy client pass, ere he can re-attain, should he ever re-attain, that health of soul of which he has been despoiled, by the cold and deliberate machinations of this practised and gilded seducer? If, instead of drawing upon his incalculable wealth for a scanty retribution, you were to stop the progress of his despicable achievements by reducing him to actual poverty, you could not, even so, punish him beyond the scope of his offence, nor reprise the plaintiff beyond the measure of his suffering. Let me remind you, that in this action the law not only empowers you, but that its policy commands you, to con-

sider the public example, as well as the individual injury, when you adjust the amount of your verdict. I confess I am most anxious that you should acquit yourselves worthily upon this important occasion. I am addressing you as fathers, husbands, brothers. I am anxious that a feeling of those high relations should enter into, and give dignity to, your verdict. But I confess it, I feel a tenfold solicitude when I remember that I am addressing you as my countrymen, as Irishmen, whose characters as jurors, as gentlemen, must find either honour or degradation in the result of your decision. Small as must be the distributive share of that national estimation that can belong to so unimportant an individual as myself, yet do I own I am tremblingly solicitous for its fate. Perhaps it appears of more value to me, because it is embarked on the same bottom with yours; perhaps the community of peril, of common safety, or common wreck, gives a consequence to my share of the risk, which I could not be vain enough to give it, if it were not raised to it by that mutuality. But why stoop to think at all of myself, when I know that you, gentlemen of that jury, when I know that our country itself, are my clients on this day, and must abide the alternative of honour, or of infamy, as you shall decide? But I will not despond, I will not dare to despond. I have every trust,

and hope, and confidence in you. And to that hope I will add my most fervent prayer to the God of all truth and justice, so to raise and enlighten, and fortify your minds, that you may so decide, as to preserve to yourselves, while you live, the most delightful of all recollections, that of acting justly, and to transmit to your children the most precious of all inheritances, the memory of your virtue.

THE END.

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Digitized with financial assistance from the
Government of Maharashtra
on 15 March, 2016